

Outside Sections

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws, as amended, and section 89 of chapter 71 of the General Laws, as amended, for the fiscal year ending June 30, 2004, the lottery distribution to cities and towns shall be \$418,997,648 and shall be apportioned to the cities and towns in accordance with this section.

Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws, as amended, and section 89 of chapter 71 of the General Laws, as amended, the total amounts to be distributed and paid to each city and town from items 0611-5510, 7061-0008, and 0611-5802 of section 2 of this act shall be as set forth in the following list; provided, that the specified amounts to be distributed from said item 7061-0008 are hereby deemed to be in full satisfaction of the amounts due under the provisions of chapter 70 of the General Laws, as amended. Specified amounts to be distributed from said item 0611-5802 shall be one-time transitional payments to cities and towns to mitigate the effects of reductions in state aid. No payments to cities and towns pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until he receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to the provisions of section 43 of chapter 44 of the General Laws.

Notwithstanding the provisions of any general or special law to the contrary, amounts distributed from item 7061-0008 to cities and towns pursuant to this section shall include the city or town's state aid under the provisions of Chapter 70 for students attending regional school districts. The amounts listed in this section for regional school districts shall not be in addition to total municipal aid included in this section but shall reflect the total amount of state aid owed to regional school districts from cities and towns participating in the regional school district pursuant to the provisions of Chapter 70, as amended.

Municipality	7061-0008	Lottery Distribution	0611-5510	0611-5802
	Chapter 70 Aid		Payment In Lieu of Taxes	Transitional Local Aid Mitigation
ABINGTON	7,350,601	1,240,977	44,062	0
ACTON	4,009,090	843,730	51,208	1,519,816
ACUSHNET	7,408,135	116,285	0	0
ADAMS	8,327,392	1,193,837	0	0
AGAWAM	11,483,816	2,215,156	382,231	0
ALFORD	39,830	9,122	0	77,362
AMESBURY	9,652,193	1,244,918	0	825,489
AMHERST	13,362,465	4,858,655	143,012	2,031,903
ANDOVER	4,533,636	1,112,720	111,512	1,610,643
AQUINNAH	46,674	1,332	645	61,095
ARLINGTON	3,802,670	2,705,777	0	7,641,312
ASHBURNHAM	4,956,057	0	0	0
ASHBY	2,741,488	27,452	0	0
ASHFIELD	845,651	101,284	1,250	273,508
ASHLAND	3,234,104	641,689	36,785	6,919
ATHOL	15,180,938	1,358,779	45,115	623,517
ATTLEBORO	30,204,043	0	0	0
AUBURN	4,562,470	1,034,241	154,370	187,379
AVON	544,980	245,215	20,051	694,999
AYER	2,685,142	461,391	285,908	1,577,154
BARNSTABLE	5,834,912	1,270,160	60,436	2,013,681
BARRE	5,806,080	339,583	0	0
BECKET	585,349	46,509	14,341	417,977
BEDFORD	1,900,272	493,888	1,005,843	175,927
BELCHERTOWN	10,332,648	0	0	0
BELLINGHAM	8,083,841	1,142,422	0	244,919
BELMONT	2,821,028	1,073,502	13,090	1,664,106
BERKLEY	5,831,131	0	0	0
BERLIN	429,580	134,381	0	568,963
BERNARDSTON	1,602,202	96,635	0	0

	7061-0008		0611-5510	0611-5802
	Chapter 70	Lottery	Payment In	Transitional
Municipality	Aid	Distribution	Lieu of Taxes	Local Aid Mitigation
BEVERLY	4,716,241	2,460,368	1,053	5,708,377
BILLERICA	15,800,683	2,553,544	1,584,354	786,969
BLACKSTONE	7,338,926	797,959	7,286	1,119,984
BLANDFORD	598,924	71,408	5,490	127,876
BOLTON	717,324	111,616	16,065	562,240
BOSTON	245,621,746	38,095,393	87,671,700	24,490,452
BOURNE	5,901,666	0	0	0
BOXBOROUGH	1,705,093	146,036	8,336	276,319
BOXFORD	1,374,189	282,425	61,750	2,137,696
BOYLSTON	481,075	213,601	44,958	529,729
BRAINTREE	4,912,757	1,970,011	130,714	4,478,885
BREWSTER	1,442,226	238,575	151,833	1,169,757
BRIDGEWATER	14,349,327	1,971,324	373,085	0
BRIMFIELD	2,331,594	218,902	42,756	99,856
BROCKTON	120,674,763	11,037,998	1,633,073	5,590,231
BROOKFIELD	2,552,558	296,934	22,520	483,482
BROOKLINE	4,896,285	2,386,497	202,689	4,605,010
BUCKLAND	1,314,490	163,871	19,809	359,411
BURLINGTON	3,036,472	960,408	19,097	2,850,801
CAMBRIDGE	6,942,641	4,814,306	3,837,104	15,838,304
CANTON	2,416,130	889,746	1,024,990	799,689
CARLISLE	924,332	132,129	125,341	192,270
CARVER	10,419,375	377,926	0	0
CHARLEMONT	1,107,828	94,965	43,739	104,843
CHARLTON	11,775,690	769,678	13,254	245,302
CHATHAM	509,970	104,326	0	81,632
CHELMSFORD	7,430,410	1,948,183	228,296	3,314,378
CHELSEA	45,716,588	3,351,258	2,577,078	579,220
CHESHIRE	2,945,811	323,230	34,923	239,682
CHESTER	1,201,688	86,968	0	0
CHESTERFIELD	697,799	74,608	10,457	88,289
CHICOPEE	42,210,145	3,838,023	0	0
CHILMARK	97,434	2,370	0	159,932
CLARKSBURG	1,810,550	215,576	8,866	44,556
CLINTON	9,326,303	1,351,790	403,795	22,341
COHASSET	1,070,489	257,722	21,941	450,196
COLRAIN	1,669,662	138,656	10,872	165,815
CONCORD	2,289,582	576,878	1,882,417	0
CONWAY	892,153	98,984	7,836	250,136
CUMMINGTON	253,180	43,489	4,591	219,628
DALTON	4,223,824	598,891	32,559	284,957
DANVERS	3,083,828	1,216,210	3,351,023	0
DARTMOUTH	10,070,263	1,407,825	0	0
DEDHAM	2,383,131	1,340,092	19,777	3,384,181
DEERFIELD	1,857,890	297,839	192,291	0
DENNIS	1,550,428	332,587	4,299	1,580,319
DEVENS	410,000	0	0	0
DIGHTON	5,048,363	332,507	0	0
DOUGLAS	6,386,567	415,976	63,577	264,703
DOVER	862,465	126,458	11,137	204,911
DRACUT	16,569,079	2,178,430	24,898	0
DUDLEY	10,172,754	173,353	0	0
DUNSTABLE	1,996,368	117,563	521	179,066
DUXBURY	2,438,880	580,989	13,233	734,985
EAST BRIDGEWATER	10,120,883	563,057	0	0
EAST BROOKFIELD	1,906,650	169,005	28,081	0
EAST LONGMEADOW	4,737,182	505,874	0	0
EASTHAM	585,423	91,017	2,391	488,644
EASTHAMPTON	6,056,476	1,627,238	800	2,024,777
EASTON	8,960,196	427,125	0	0
EDGARTOWN	524,161	28,851	303,339	363,871

	7061-0008		0611-5510	0611-5802
	Chapter 70	Lottery	Payment In	Transitional
Municipality	Aid	Distribution	Lieu of Taxes	Local Aid Mitigation
EGREMONT	105,382	39,478	14,199	184,743
ERVING	198,864	38,383	17,704	143,887
ESSEX	408,646	143,896	581	406,429
EVERETT	19,446,411	2,153,052	353,428	497,490
FAIRHAVEN	9,487,418	1,240,064	20,477	0
FALL RIVER	98,531,771	13,695,705	1,145,900	4,578,954
FALMOUTH	3,839,837	858,772	99,695	1,610,869
FITCHBURG	41,074,746	5,103,864	317,666	732,216
FLORIDA	505,020	31,360	23,385	186,843
FOXBOROUGH	6,186,700	960,118	1,230,308	0
FRAMINGHAM	12,392,654	3,903,611	5,108,043	0
FRANKLIN	21,596,136	1,511,831	86,851	0
FREETOWN	3,106,868	596,683	85,242	970,745
GARDNER	18,302,227	2,464,024	506,652	0
GEORGETOWN	3,461,757	421,046	54,515	0
GILL	1,167,320	130,681	2,477	19,763
GLOUCESTER	6,760,747	1,598,757	66,295	1,933,227
GOSHEN	448,991	42,095	46,052	0
GOSNOLD	4,229	331	7,312	5,994
GRAFTON	5,359,514	962,250	211,693	0
GRANBY	4,119,889	0	0	0
GRANVILLE	1,348,739	0	0	0
GREAT BARRINGTON	1,122,619	481,004	24,793	1,181,312
GREENFIELD	10,547,258	1,874,997	526,603	0
GROTON	6,408,169	446,908	37,877	822,780
GROVELAND	4,357,372	404,413	30,091	249,310
HADLEY	511,494	197,905	281,648	111,718
HALIFAX	4,667,939	564,438	425	0
HAMILTON	2,009,322	376,378	41,960	463,641
HAMPDEN	3,090,094	0	0	0
HANCOCK	147,654	23,201	14,625	25,101
HANOVER	5,238,818	662,767	16,304	0
HANSON	9,772,952	608,858	0	0
HARDWICK	2,702,679	6,360	0	0
HARVARD	957,716	1,163,319	5,512	783,992
HARWICH	1,424,380	265,682	15,318	345,791
HATFIELD	668,972	189,685	83,642	0
HAVERHILL	39,900,352	4,819,561	300,933	1,943,577
HAWLEY	212,881	17,257	31,709	5,815
HEATH	754,450	38,629	1,831	0
HINGHAM	2,776,246	857,260	429,789	962,632
HINSDALE	1,566,000	23,675	0	0
HOLBROOK	5,177,161	967,166	931	0
HOLDEN	5,873,807	1,026,431	61,913	1,604,152
HOLLAND	1,705,823	64,823	0	0
HOLLISTON	5,707,177	768,107	671	1,783,458
HOLYOKE	59,759,033	5,762,950	833,918	2,453,665
HOPEDALE	5,015,855	400,471	645	357,061
HOPKINTON	2,320,848	394,324	129,469	1,761,251
HUBBARDSTON	4,843,849	53,451	0	5,511
HUDSON	6,595,114	1,287,536	155,132	428,983
HULL	3,139,638	681,905	466,041	2,031,474
HUNTINGTON	2,198,747	188,150	16,634	125,481
IPSWICH	1,937,429	631,735	172,937	1,334,683
KINGSTON	6,214,834	570,203	5,169	0
LAKEVILLE	6,018,491	0	0	0
LANCASTER	2,994,196	546,075	511,991	0
LANESBOROUGH	1,067,898	219,829	15,948	300,586
LAWRENCE	125,656,671	11,949,496	3,500,178	399,454
LEE	1,651,837	406,564	59,039	114,088
LEICESTER	9,168,834	1,069,434	3,239	265,981

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	Chapter 70	Lottery	Payment In	Transitional
Municipality	Aid	Distribution	Lieu of Taxes	Local Aid Mitigation
LENOX	587,692	336,116	105,676	699,762
LEOMINSTER	32,176,189	2,407,105	0	0
LEVERETT	376,736	108,501	8,775	524,770
LEXINGTON	4,908,924	983,262	452,315	676,633
LEYDEN	577,888	43,672	937	47,195
LINCOLN	779,595	293,011	157,925	377,203
LITTLETON	1,917,401	353,371	25,075	0
LONGMEADOW	2,438,309	834,532	0	1,642,802
LOWELL	126,553,001	12,336,338	4,389,714	3,939,171
LUDLOW	10,061,441	1,695,399	99,552	0
LUNENBURG	4,938,423	0	0	0
LYNN	105,389,995	9,071,835	2,121,826	5,686,502
LYNNFIELD	1,561,902	476,268	39,434	930,051
MALDEN	29,461,639	5,262,085	427,409	4,120,857
MANCHESTER	606,428	151,577	6,204	220,885
MANSFIELD	11,650,897	710,224	0	0
MARBLEHEAD	2,400,668	724,512	0	570,156
MARION	667,305	139,912	3,216	211,011
MARLBOROUGH	9,932,436	1,967,151	497,230	0
MARSHFIELD	12,087,055	1,293,653	2,496	0
MASHPEE	1,651,850	167,058	100,498	3,214,974
MATTAPOISETT	808,280	262,127	58,971	558,932
MAYNARD	2,428,647	708,732	0	1,087,955
MEDFIELD	3,940,051	536,494	83,328	22,862
MEDFORD	8,446,144	4,519,559	422,645	10,115,377
MEDWAY	7,670,852	0	0	0
MELROSE	6,228,101	1,967,255	159,734	2,652,362
MENDON	4,005,140	235,072	4,372	265,878
MERRIMAC	5,618,939	33,741	0	0
METHUEN	31,950,275	239,277	0	0
MIDDLEBOROUGH	17,067,246	0	0	0
MIDDLEFIELD	242,965	26,032	17,835	131,557
MIDDLETON	1,253,252	216,106	946,118	63,754
MILFORD	9,639,835	1,934,471	1,659,157	906,636
MILLBURY	7,538,367	0	0	0
MILLIS	2,515,180	500,258	0	209,993
MILLVILLE	3,742,922	0	0	0
MILTON	2,882,233	1,470,260	809,167	1,793,979
MONROE	21,262	4,501	2,548	40,063
MONSON	6,965,067	0	0	0
MONTAGUE	5,840,693	741,588	254,155	0
MONTEREY	71,630	22,014	38,617	131,349
MONTGOMERY	276,216	50,710	1,996	128,890
MOUNT WASHINGTON	8,842	1,988	35,300	31,177
NAHANT	322,443	187,340	26,473	282,894
NANTUCKET	900,915	46,965	40,993	0
NATICK	3,817,792	1,461,029	608,067	2,673,063
NEEDHAM	3,618,477	1,001,417	0	1,143,910
NEW ASHFORD	67,258	5,667	18,579	0
NEW BEDFORD	120,092,736	13,576,836	0	0
NEW BRAINTREE	738,092	68,267	229,572	0
NEW MARLBOROUGH	155,169	34,040	16,360	195,505
NEW SALEM	794,286	0	0	0
NEWBURY	2,042,460	280,318	59,006	785,726
NEWBURYPORT	1,815,854	960,443	427,589	2,865,487
NEWTON	9,308,572	3,125,928	593,243	2,711,491
NORFOLK	5,131,665	594,779	171,519	0
NORTH ADAMS	15,706,133	2,669,182	503,129	394,793
NORTH ANDOVER	3,292,967	1,154,747	180,569	1,921,932
NORTH	18,748,917	1,308,571	0	0
ATTLEBOROUGH				

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	Chapter 70	Lottery	Payment In	Transitional
Municipality	Aid	Distribution	Lieu of Taxes	Local Aid Mitigation
NORTH BROOKFIELD	4,845,947	106,955	0	0
NORTH READING	3,553,284	650,156	309,027	195,959
NORTHAMPTON	6,495,369	2,443,021	4,241,025	0
NORTHBOROUGH	3,698,928	648,389	42,803	751,550
NORTHBRIDGE	12,619,063	1,401,229	48,124	175,800
NORTHFIELD	1,657,579	182,935	15,393	0
NORTON	12,604,289	554,243	0	0
NORWELL	1,567,530	412,670	27,235	1,157,796
NORWOOD	3,160,086	1,609,596	0	3,993,960
OAK BLUFFS	574,863	44,421	39,545	457,895
OAKHAM	2,162,833	0	0	0
ORANGE	9,214,150	983,840	10,247	0
ORLEANS	502,459	112,817	7,344	647,145
OTIS	165,250	18,017	34,418	105,974
OXFORD	9,668,739	1,061,051	0	0
PALMER	11,717,176	600,454	0	0
PAXTON	1,472,074	280,661	78,542	0
PEABODY	17,658,130	3,016,804	326,836	881,305
PELHAM	330,085	91,289	15,910	169,702
PEMBROKE	8,651,881	1,033,247	0	1,062,869
PEPPERELL	9,939,707	779,671	8,911	65,184
PERU	868,430	3,617	0	0
PETERSHAM	666,007	66,385	1,656	0
PHILLIPSTON	1,627,778	64,967	0	0
PITTSFIELD	29,725,237	4,735,240	2,508,272	0
PLAINFIELD	294,541	26,310	7,934	85,523
PLAINVILLE	4,690,050	0	0	0
PLYMOUTH	19,919,255	2,315,000	409,821	0
PLYMPTON	1,134,472	146,847	0	376,816
PRINCETON	1,118,822	182,947	104,684	138,458
PROVINCETOWN	180,053	87,919	45,726	149,591
QUINCY	16,263,762	6,376,764	615,032	10,270,537
RANDOLPH	13,751,832	2,337,179	6,014	787,263
RAYNHAM	6,817,229	102,363	0	0
READING	7,064,507	1,299,540	188,349	301,843
REHOBOTH	6,299,864	562,300	6,991	121,764
REVERE	29,614,688	3,752,902	489,220	742,515
RICHMOND	203,438	70,103	1,007	166,723
ROCHESTER	2,424,543	0	0	0
ROCKLAND	10,413,434	1,485,218	0	940,050
ROCKPORT	887,730	278,143	30,580	519,298
ROWE	49,203	2,606	475	0
ROWLEY	2,810,523	276,682	42,675	0
ROYALSTON	1,721,900	44,309	0	1,667
RUSSELL	1,203,156	135,781	49,573	43,554
RUTLAND	5,888,880	0	0	0
SALEM	15,097,038	2,529,153	1,159,628	0
SALISBURY	3,604,425	379,249	85,233	190,605
SANDISFIELD	76,789	18,137	20,637	73,061
SANDWICH	7,479,652	0	0	0
SAUGUS	3,005,603	1,411,299	42,330	3,573,513
SAVOY	490,379	60,345	40,954	6,436
SCITUATE	3,348,646	869,557	54	1,307,046
SEEKONK	3,015,831	746,800	6,254	775,670
SHARON	5,820,198	844,768	61,387	116,817
SHEFFIELD	1,003,009	134,167	16,559	12,688
SHELBURNE	1,214,158	158,199	25,414	390,187
SHERBORN	749,000	126,700	4,537	319,723
SHIRLEY	4,316,980	701,094	890,895	0
SHREWSBURY	11,091,814	143,435	0	0
SHUTESBURY	1,063,134	89,856	31,687	156,632

	7061-0008		0611-5510	0611-5802
	Chapter 70	Lottery	Payment In	Transitional
Municipality	Aid	Distribution	Lieu of Taxes	Local Aid Mitigation
SOMERSET	3,197,588	875,959	29	469,670
SOMERVILLE	23,430,952	7,547,729	1,002,931	17,423,585
SOUTH HADLEY	6,170,062	1,545,662	47,364	0
SOUTHAMPTON	3,659,389	300,093	0	0
SOUTHBOROUGH	1,729,468	259,442	725	1,044,611
SOUTHBRIDGE	17,836,792	1,420,451	0	0
SOUTHWICK	6,824,624	661,910	1,492	195,993
SPENCER	10,603,035	1,064,297	0	0
SPRINGFIELD	219,966,043	20,452,319	1,545,146	0
STERLING	2,516,542	420,307	73,637	925,431
STOCKBRIDGE	153,728	65,972	3,254	287,069
STONEHAM	2,649,078	1,352,197	101,197	2,794,789
STOUGHTON	11,095,572	2,046,185	10,637	0
STOW	915,947	259,694	173,171	971,017
STURBRIDGE	3,358,587	459,295	63,689	60,111
SUDBURY	3,298,454	549,343	167,616	1,832,978
SUNDERLAND	1,515,917	284,465	98,419	0
SUTTON	5,090,082	407,664	0	0
SWAMPSCOTT	1,701,395	629,731	20,019	1,123,809
SWANSEA	5,328,348	1,165,382	26,384	217,420
TAUNTON	47,731,608	23,151	0	0
TEMPLETON	7,560,089	0	0	0
TEWKSBURY	12,541,000	1,793,436	90,971	0
TISBURY	479,363	64,408	2,475	407,902
TOLLAND	164,220	3,509	16,519	92,407
TOPSFIELD	1,429,678	260,885	213,114	642,217
TOWNSEND	8,123,611	711,167	108,114	1,294,501
TRURO	228,469	18,520	4,230	10,873
TYNGSBOROUGH	6,822,773	560,037	4,580	104,124
TYRINGHAM	30,649	8,069	1,890	4,744
UPTON	3,747,918	47,786	0	0
UXBRIDGE	10,515,591	0	0	0
WAKEFIELD	2,801,318	1,461,529	31,889	3,630,017
WALES	1,273,450	135,705	13,794	192,558
WALPOLE	3,002,703	1,172,752	3,912,614	0
WALTHAM	4,447,578	3,362,846	4,699,782	3,858,218
WARE	8,628,373	541,111	0	0
WAREHAM	14,944,575	0	0	0
WARREN	5,417,220	0	0	0
WARWICK	575,914	49,633	28,435	0
WASHINGTON	374,729	41,604	17,534	103,444
WATERTOWN	2,186,170	1,888,792	31,004	5,331,472
WAYLAND	2,297,816	431,800	20,600	758,960
WEBSTER	8,412,095	1,468,102	102,559	0
WELLESLEY	3,308,054	821,437	250,746	127,022
WELLFLEET	279,526	38,744	1,735	328,505
WENDELL	584,305	77,323	129,594	264,752
WENHAM	613,250	201,715	4,183	455,650
WEST BOYLSTON	2,876,032	420,140	88,942	0
WEST BRIDGEWATER	1,210,519	389,890	22,501	902,465
WEST BROOKFIELD	2,495,869	276,774	8,960	412,059
WEST NEWBURY	2,406,583	177,296	4,178	565,022
WEST SPRINGFIELD	14,782,768	1,367,060	0	0
WEST STOCKBRIDGE	165,388	64,649	2,441	227,421
WEST TISBURY	425,639	21,569	131,421	764,751
WESTBOROUGH	2,813,688	606,923	697,534	0
WESTFIELD	33,096,725	0	0	0
WESTFORD	9,620,112	844,337	16,978	1,318,033
WESTHAMPTON	645,646	83,858	0	20,577
WESTMINSTER	5,100,492	218,423	0	0
WESTON	1,793,146	171,127	0	0

	7061-0008		0611-5510	0611-5802
	Chapter 70	Lottery	Payment In	Transitional
Municipality	Aid	Distribution	Lieu	Local Aid
			of Taxes	Mitigation
WESTPORT	5,355,497	53,561	0	0
WESTWOOD	2,167,113	448,289	53,073	374,103
WEYMOUTH	20,954,934	4,534,292	231,225	693,803
WHATELY	599,660	56,497	0	0
WHITMAN	12,149,124	1,359,792	101,046	62,315
WILBRAHAM	8,206,173	0	0	0
WILLIAMSBURG	915,892	191,425	380	0
WILLIAMSTOWN	1,104,494	589,546	29,161	1,332,385
WILMINGTON	5,116,767	879,147	0	700,497
WINCHENDON	11,015,212	965,039	24,845	498,243
WINCHESTER	2,679,041	794,009	3,303	1,250,570
WINDSOR	375,996	38,393	46,712	85,053
WINTHROP	6,561,627	1,587,296	1,664	1,029,595
WOBURN	4,021,974	1,983,214	291,406	5,209,283
WORCESTER	162,893,761	19,025,870	4,203,075	6,394,829
WORTHINGTON	564,843	67,013	13,049	251,187
WRENTHAM	5,636,182	597,398	214,563	12,310
YARMOUTH	5,505,272	418,864	0	0
Total Municipal Aid	3,331,892,681	418,997,648	172,940,034	293,302,034

The amounts listed in this section below for regional school districts shall not be in addition to the municipal aid amounts listed above in this section, but shall be the total amount of state aid owed to a regional school district from cities and towns participating in the regional school district.

	7061-0008
	Chapter 70
Regional School District	Aid
ACTON BOXBOROUGH	2,609,919
ADAMS CHESHIRE	10,026,152
AMHERST PELHAM	7,540,052
ASHBURNHAM WESTMINSTER	9,365,217
ASSABET VALLEY	2,117,831
ATHOL ROYALSTON	15,669,759
BERKSHIRE HILLS	1,441,735
BERLIN BOYLSTON	354,265
BLACKSTONE MILLVILLE	10,168,487
BLACKSTONE VALLEY	4,652,821
BLUE HILLS	2,414,656
BRIDGEWATER RAYNHAM	20,232,733
BRISTOL COUNTY	2,454,674
BRISTOL PLYMOUTH	6,212,290
CAPE COD	1,097,345
CENTRAL BERKSHIRE	8,067,232
CHESTERFIELD GOSHEN	589,430
CONCORD CARLISLE	1,000,118
DENNIS YARMOUTH	6,518,670
DIGHTON REHOBOTH	11,121,806
DOVER SHERBORN	774,814
DUDLEY CHARLTON	20,328,141
ESSEX COUNTY	2,356,341
FARMINGTON RIVER	229,730
FRANKLIN COUNTY	2,964,038
FREETOWN LAKEVILLE	5,109,265
FRONTIER	2,059,906
GATEWAY	5,873,501
GILL MONTAGUE	6,444,700
GREATER FALL RIVER	9,155,739
GREATER LAWRENCE	17,774,875
GREATER LOWELL	16,829,187
GREATER NEW BEDFORD	16,278,699
GROTON DUNSTABLE	8,124,981

	7061-0008
	Chapter 70
Regional School District	Aid
HAMILTON WENHAM	2,587,836
HAMPDEN WILBRAHAM	11,250,569
HAMPSHIRE	2,708,838
HAWLEMONT	633,126
KING PHILIP	5,562,720
LINCOLN SUDBURY	1,127,183
MANCHESTER ESSEX	1,002,316
MARTHAS VINEYARD	772,003
MASCONOMET	1,821,435
MENDON UPTON	7,506,399
MINUTEMAN	764,732
MOHAWK TRAIL	6,349,383
MONTACHUSETT	8,725,405
MOUNT GREYLOCK	1,040,223
NARRAGANSETT	8,626,989
NASHOBA	4,369,475
NASHOBA VALLEY	2,388,998
NAUSET	1,572,158
NEW SALEM WENDELL	674,752
NORFOLK COUNTY	714,049
NORTH MIDDLESEX	19,010,121
NORTH SHORE	913,166
NORTHAMPTON SMITH	586,670
NORTHBORO SOUTHBORO	1,361,266
NORTHEAST METROPOLITAN	6,644,740
NORTHERN BERKSHIRE	3,668,896
OLD COLONY	2,899,407
OLD ROCHESTER	1,575,792
PATHFINDER	3,708,203
PENTUCKET	11,760,311
PIONEER	4,070,663
QUABBIN	15,472,099
QUABOAG	7,512,213
RALPH C MAHAR	4,680,804
SHAWSHEEN VALLEY	3,728,605
SILVER LAKE	5,497,203
SOUTH MIDDLESEX	1,474,366
SOUTH SHORE	2,465,581
SOUTHEASTERN	9,223,613
SOUTHERN BERKSHIRE	1,375,019
SOUTHERN WORCESTER	5,892,349
SOUTHWICK TOLLAND	6,866,441
SPENCER EAST BROOKFIELD	11,698,418
TANTASQUA	5,541,706
TRI COUNTY	3,678,417
TRITON	8,190,758
UPISLAND	364,663
UPPER CAPE COD	2,228,240
WACHUSETT	16,210,883
WHITMAN HANSON	20,597,603
WHITTIER	6,882,616

Public Notice Requirements

SECTION 4. Clause Eighth of section 6 of chapter 4 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting at the end thereof the following:- Notwithstanding the provisions of any general or special law to the contrary, any requirement that a state agency provide public notice in a newspaper shall be equally satisfied by publication of said notice on the official website of the commonwealth. Notwithstanding the provisions of any general or special law to the contrary, any requirement that a city or town provide public notice in a newspaper shall be equally satisfied by publication of said notice on the official website of said city or town. Notwithstanding the provisions of any general or special law to the contrary, any requirement that a state authority provide public notice in a newspaper shall be equally satisfied by publication of said notice on the official website of the commonwealth or the official website of the authority.

State Library Transfer to the Secretary of the Commonwealth

SECTION 5. Section 17 of said chapter 6, as amended by section 1 of chapter 196 of the acts of 2002, is hereby amended by striking the words "the trustees of the state library".

State Library Transfer to the Secretary of the Commonwealth

SECTION 6. Sections 33 through 39B, inclusive, of chapter 6 of the General Laws are hereby repealed.

Criminal Justice Training Council Fee

SECTION 7. Said chapter 6, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 116C the following new section:-

Section 116C 1/2. The criminal justice training council shall charge a fee for training programs operated by the council for all persons who begin training on or after July 1, 2002. The amount of said fee shall be established pursuant to section 3B of chapter 7. Said fee shall be retained and expended by said council subject to appropriation. The trainee, or, if the trainee is a recruit, the municipality in which the recruit shall serve, shall provide said fee in full to the council no later than the first day of orientation for the program in which such trainee or recruit has enrolled. No recruit or person shall begin training unless said municipality or said person has provided said fee in full to said council. For recruits of municipalities, upon the completion of said program, the municipality shall deduct said fee from said recruit's wages in 23 equal monthly installments, unless otherwise negotiated between said recruit and the municipality in which said recruit shall serve. If a recruit withdraws from the training program before graduation, said council shall refund the municipality in which the recruit was to have served a portion of said fee according to the following schedule: if a recruit withdraws from said program before the start of week two, 75 per cent of said payment shall be refunded; if a recruit withdraws from said program after the start of week two but before the start of week three, 50 per cent of said fee shall be refunded; if a recruit withdraws from said program after the start of week three but before the start of week four, 25 per cent of said fee shall be refunded; if a recruit withdraws after the start of week four, the fee shall not be refunded. A recruit who withdraws from said program shall pay the municipality in which he was to have served the difference between said fee and the amount forfeited by said municipality according to said schedule. Said schedule shall also apply to trainees other than recruits who enroll in said program. No expenditures shall be charged to item [8200-0222](#) of section 2 of this act that are related to chief, veteran, in-service, or reserve training, or any training not directly related to new recruits

Transfer of SSI Program

SECTION 8. Section 130 of said chapter 6, as so appearing, is hereby amended in the second paragraph by striking the words "sections one hundred and thirty-one to one hundred and thirty-one E, inclusive" and inserting in place thereof:- section 131E.

Transfer of SSI Program

SECTION 9. Sections 131 through 131D of chapter 6 of the General Laws are hereby repealed.

Identification Card Fees

SECTION 10. Section 135 of said chapter 6, as so appearing, is hereby amended by adding at the end thereof the following paragraph:-

The fee for each identification card issued by the commission shall be no less than \$15. Said card shall be valid for five years and then may be renewed for a fee of no less than \$15. In the event of a lost or stolen card, the commission may issue a duplicate card for a fee of no less than \$10. No fee shall be collected from a person registered with the commission who is receiving supplemental security income pursuant to title XVI of the federal Social Security Act, 42 U.S.C. §1381 et seq. The commission shall determine said fees annually by regulation.

Certificate of Blindness Fees

SECTION 11. Section 136 of said chapter 6 of the General Laws, as so appearing, is hereby amended by adding at the end thereof the following paragraph:-

The commission may issue a certificate of blindness to certify that a resident of the Commonwealth is legally blind as defined herein. The commission shall charge a fee of no less than \$10 for each certificate of blindness that it issues. No fee shall be collected from a person registered with the commission who is receiving supplemental security income pursuant to Title XVI of the federal Social Security Act, 42 U.S.C. §1381 et seq. The commission shall determine said fee annually by regulation.

Transfer of SSI Program

SECTION 12. Section 137 of said chapter 6, as so appearing, is hereby amended by striking the words "section one hundred and thirty-one" and inserting in place thereof the following :- chapter 118A.

Criminal Offender Records Information Request Fees

SECTION 13. Said chapter 6, as so appearing, is hereby amended by striking section 172A and inserting in place thereof the following section:-

Section 172A. The criminal history systems board shall assess a fee of \$25 for each request for criminal offender record information; provided, however, that such fees shall not be assessed for such requests from a victim of crime, witness, or family member of a homicide victim, all as defined by section 1 of chapter 258B, from a governmental agency, or from such other person or group of persons as the board shall exempt. The criminal history systems board shall assess a fee of \$10 for each request for criminal offender record information from an individual seeking to obtain criminal offender record information pertaining to himself. All such fees shall be deposited in the general fund.

ITD Project Oversight Authority

SECTION 14. Subsection (d) of section 4A of chapter 7 of the General Laws, as so appearing, is hereby amended in the first paragraph by inserting at the end thereof the following:- Any planned information technology development project or purchase by any agency under the authority of the governor for which the total projected cost exceeds \$200,000, including the cost of any related hardware, software, or consultant fees, shall be reviewed and approved by the chief information officer before such agency may obligate funds for such project or purchase. The chief information officer may establish such rules and procedures as he deems necessary to implement the provisions of this paragraph.

Reallocation of State Properties among State Agencies

SECTION 15. Section 40F of chapter 7 of the General Laws, as so appearing, is hereby amended by striking paragraphs five and six and inserting in place thereof the following paragraph:-
The commissioner, in consultation with secretaries of the executive offices, or the chief justice of the administrative office of the trial court in consultation with the chief justice of the supreme judicial court, and subject to the written approval of the secretary of administration and finance may, with the exception of the state house, transfer use of state real property and facilities between state agencies including, without limitation, to the department of capital assets and the judiciary.

Remove Outsourcing Limitations

SECTION 16. Sections 52 through 55, inclusive, of chapter 7 of the General Laws are hereby repealed.

Inspector General Functions Transferred to the Comptroller

SECTION 17. Chapter 7A of the General Laws, as amended, is hereby further amended by inserting at the end thereof the following four sections:-

Section 19. The comptroller shall act to prevent and detect fraud, waste and abuse in the expenditure of public funds, whether state, federal, or local, or relating to programs and operations involving the sections, departments, offices, commissions, institutions, and activities of the commonwealth, including those districts, authorities, instrumentalities or political subdivisions created by the general court and including cities and towns.

Section 20. The comptroller may supervise, coordinate, and conduct audits and investigations when necessary, relating to programs and operations described in section 19. He shall review legislation and regulations relating to programs and operations described in said section 19 herein and shall make recommendations concerning the effect of such legislation or regulation on the prevention and detection of fraud, waste and abuse. He may recommend policies which will assist in the prevention or detection of fraud, waste or abuse. The person in charge of, or the governing body of any public body described in said section 19, may request the assistance of the

comptroller with respect to implementation of any suggested policy. In that event the comptroller may assign personnel to conduct, supervise, or coordinate such activity. He may recommend policies for the conduct, supervision or coordination of relationships between state and county agencies and other state and local government agencies and federal agencies and nongovernmental entities with respect to all matters relating to the prevention and detection of fraud, waste and abuse in or relating to programs and activities described in said section 19 herein.

Section 21. (a) The comptroller may receive and investigate complaints or information from any public employee concerning the possible existence of any activity constituting fraud, waste and abuse in or relating to programs and operations described in section 19 herein.

(b) The comptroller shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without written consent of said employee, unless the comptroller determines such disclosure is necessary and unavoidable during the course of the investigation. In such event, the employee shall be notified in writing at least seven days prior to such disclosure.

(c) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employees as a reprisal for making a complaint or disclosing information to the comptroller, unless the complaint was made or information disclosed with the knowledge that it was false or with willful disregard of its truth or falsity.

Section 22. In carrying out his duties and responsibilities, the comptroller shall report to the attorney general, the United States Attorney, or both, whenever the comptroller has reasonable grounds to believe there has been a violation of federal or state criminal law. Said attorney general shall institute appropriate further proceedings. The comptroller shall refer audit or investigative findings to the state ethics commission, or to any other federal, state, or local agency that has an interest in said findings. Any referrals made under this section shall not be made public.

In any case where the comptroller has discovered fraudulent acts and believes that civil recovery proceedings may be appropriate, he shall refer the matter to the attorney general. The attorney general may institute whatever proceedings he deems appropriate, may refer the matter to another state or local agency, may retain the matter for further investigation, or may remand the matter to the comptroller for further investigation.

Public Housing Reform - Revenue Intercept

SECTION 18. Subsection (a) of section 18 of said chapter 7A, as inserted by section 8 of chapter 184 of the acts of 2002, is hereby further amended in the first sentence by inserting, after the words "chapter 29", the following:-
;provided further, for the purpose of this section, any agency of a city or town shall include a housing authority as defined by section 3 and 3A of chapter 121B of the General Laws.

Inspector General Functions Transferred to the Comptroller

SECTION 19. Subsection (a) of section 2 of chapter 7B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the words "the inspector general" and inserting in place thereof the following:- the comptroller.

State Library Transfer to the Secretary of the Commonwealth

SECTION 20. Chapter 9 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following sections:-

Section 31. There shall be in the department of the secretary of state a state library. Employees of the state library shall not be members of a collective bargaining unit and shall not be subject to the provisions of section 9A of chapter 30.

Section 31A. The state secretary shall appoint a librarian of the state library, who shall hold office at the pleasure of the state secretary. The position of librarian shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46 of said chapter 30. The librarian shall be responsible for the management and control of the state library and of the moneys appropriated therefor. He may sell or otherwise dispose of such books belonging to the library as he deems unsuitable for its purposes, and may deposit any duplicate volumes for safe keeping and use in any town, city or college library in the commonwealth, upon such terms and conditions as he shall prescribe. He may make and enforce rules for the use of the library, and shall see that its rooms are properly prepared for the accommodation of persons permitted to use them.

Section 31B. The state library may expend such sums annually as the general court may appropriate for permanent assistants and clerks, for books, maps, papers, periodicals and other material for the library and for

binding the same and for incidental expenses including binding their report. All accounts for the maintenance of the state library shall be approved by the librarian or his designee.

Section 31C. The librarian of the state library shall keep records of its doings, and shall make an annual report thereof, with a list of books, maps and charts lost, missing or acquired during the preceding fiscal year, specifying those obtained by exchange, gift or purchase, and such suggestions for the improvement of the library as he may deem proper.

Section 31D. The state library may receive in trust for the commonwealth any gift or bequest of money or securities for any purpose incident to the uses of the state library, and shall forthwith transfer any money or securities so received to the state treasurer, who shall administer the same as provided by section 16 of chapter 10.

Section 31E. The state library shall be in the state house, and shall be kept open every day except Saturday, Sunday and legal holidays for the use of the governor, lieutenant governor, council, general court and such officers of the government and other persons as may be permitted to use it.

Section 31F. As used in sections 31G to 31H, inclusive, the following words shall have the following meanings, unless the context otherwise requires:-

"Agency", each agency, office, state-supported institution of higher education, department, authority, executive office, bureau, officer, board, committee, task force, commission, special commission, division, executive office of the commonwealth, whether permanent or temporary in nature, including any state agency supported wholly or in part by public funds.

"Publication", any document, study, rule, regulation, report, directory, pamphlet, brochure, periodical, newsletter, bibliography, microphotographic form, tape or disc recording, annual, biennial or special report, statistical compendium, or other printed material regardless of its format or manner of duplication, issued in the name of or at the request of any agency of the commonwealth or produced and issued as part of a contract entered into by any agency of the commonwealth regardless of the source of funding, provided they constitute "public records" as defined in clause Twenty-sixth of section 7 of chapter 4, excepting correspondence, blank forms, and university press publications.

"Regional public libraries", those libraries as defined in section 30E of this chapter. These definitions shall not include any records of the general court.

Section 31G. (1) In order that all state publications of the commonwealth are preserved and made available for the use of citizens of the state, the state library is hereby designated as the depository library for Massachusetts state publications.

(2) The state library shall maintain a complete collection of Massachusetts state publications, both current and historic.

(3) A depository library system, providing for the distribution of state documents to the Library of Congress and to each of the regional public libraries in the state shall be established and maintained by the state library.

Section 31H. Each state agency shall furnish the state library eight copies of its publications. Said copies shall be forwarded to the state library no later than five working days after they are received from the printer or contractor. The state library shall make three copies available for public consultation in the library and for permanent historic preservation by the library. The others shall be provided to the Library of Congress and to each of the state's regional public libraries.

Cash Flow Submission Dates

SECTION 21. Section 10 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking the second paragraph and inserting in place thereof the following:-

The Treasurer shall prepare and submit to the house and senate committees on ways and means on or before the last day of August, November, February, and May, official cash flow projections for the current fiscal year and for the fiscal quarters beginning October 1, January 1, April 1, and July 1, respectively.

Budgetary Fund Consolidation

SECTION 22. The following sections of the General Laws are hereby repealed and, upon the effective date of this act, the comptroller is authorized and directed to transfer any balances, positive or negative, in the funds named therein to the Stabilization Fund:

section 35D of chapter 10;
section 35G of chapter 10;
section 35H of chapter 10;
section 35J of chapter 10;
section 35L of chapter 10;
section 35Q of chapter 10;
section 42 of chapter 10;

section 49 of chapter 10;
section 51 of chapter 10;
section 59 of chapter 10;
section 23 of chapter 16;
section 6I of chapter 21;
section 17F of chapter 21;
section 5A of chapter 28A;
section 2C 1/2 of chapter 29;
section 2J of chapter 29;
section 2K of chapter 29;
section 2P of chapter 29;
section 2P 1/2 of chapter 29;
section 2R of chapter 29;
section 2S of chapter 29;
section 2T of chapter 29;
section 2U of chapter 29;
section 2Y of chapter 29;
section 2AA of chapter 29;
section 2CC of chapter 29;
section 2FF of chapter 29;
section 2GG of chapter 29;
section 2II of chapter 29;
section 2KK of chapter 29;
section 2LL of chapter 29;
section 2MM of chapter 29;
section 2NN of chapter 29;
section 2OO of chapter 29;
section 2RR of chapter 29;
section 2SS of chapter 29;
section 2UU of chapter 29;
section 2VV of chapter 29;
section 2WW of chapter 29;
section 2XX of chapter 29;
section 2YY of chapter 29;
section 2EEE of chapter 29, as inserted by section 9 of chapter 236 of the acts of 2002,
section 10A1/2 of chapter 91;
section 14 of chapter 93;
section 323F of chapter 94;
section 2 of chapter 119A;
section 2B of chapter 130;
section 2 of chapter 131;
section 10 of chapter 132A; and
section 6 of chapter 161D.

Board of Registration in Medicine Trust Fund

SECTION 23. Section 35M of chapter 10 of the General Laws, as amended by section 5 of chapter 300 of the acts of 2002, is hereby further amended by striking the second and third sentences and inserting in place thereof the following:- One hundred per cent of the revenues collected by said board shall be deposited into said trust fund. All monies deposited into said fund shall be expended exclusively by the board for its operations and administration.

Quality in Health Professions Trust Fund

SECTION 24. Subsection (a) of section 35X of said chapter 10, as inserted by section 10 of chapter 184 of the acts of 2002, is hereby amended by striking the second sentence and inserting in place thereof the following sentence:- The fund shall consist of 100 per cent of the fee revenue collected by the various boards serving within the department under section 9 of chapter 13 excluding the board of registration in medicine.

Amendment to Quality in Health Professions Trust Fund

SECTION 25. Said subsection (a) of said section 35X of said chapter 10, as so inserted, is hereby further amended in the seventh sentence by striking the words "and that total not more than 20 percent of the department's expenditures related to health board licensing for the previous fiscal year".

Quality in Health Professions Trust Fund

SECTION 26. Said section 35X of said chapter 10, as so inserted, is hereby further amended by inserting at the end thereof the following new subsection:-

(c) Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance, following a public hearing, shall increase the fee for obtaining or renewing a license, certificate, registration, permit or authority issued by a board within the department of public health by additional amount not to exceed 50 per cent, rounded to the nearest dollar, of the fees in effect prior to the fee increases authorized pursuant to subsection (b), provided that, the fees for any board that have not increased fees pursuant to subsection (b) shall be increased by an amount not to exceed 100 per cent. Amounts collected, as the result of the fee increases required by this subsection, shall be credited to the fund established in subsection (a).

Emergency Finance Board Repeal

SECTION 27. Section 47 of Chapter 10 of the General Laws is hereby repealed.

Motor Vehicle Inspection Trust Fund Transfer

SECTION 28. Section 61 of said chapter 10, as appearing in the 2000 Official Edition, is hereby amended by striking the words "; provided, however, that the comptroller shall annually transfer from said fund not less than \$5,700,000 to the Highway Fund from the monies so credited".

Office of Inspector General Repeal

SECTION 29. Chapter 12A of the General Laws is hereby repealed.

Tuition Retention for Higher Education Campuses

SECTION 30. Chapter 15A of the General Laws, as so appearing, is hereby amended, after section 9B by inserting the following section:-

Section 9C: Notwithstanding the provisions of any general or special law to the contrary, all tuition and fees received by a board of trustees of a public college or university shall be retained by the board of trustees of each institution in a revolving trust fund or funds and shall be expended as the board of the institution may direct. Any balance in the trust funds at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the general fund.

Means Testing for Tomorrow's Teacher's Program

SECTION 31. Section 19A of said chapter 15A, as so appearing, is hereby amended by inserting after provision (7), the following new provision:-

(8) Eligibility for scholarships awarded in fiscal year 2004 and thereafter shall include a standard of income eligibility determined by the Board of Higher Education to prioritize the most financially needy students.

Family Shelter Program

SECTION 32. Subsection (D) of section 2 of chapter 18 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking lines 94 through 122, inclusive, and inserting in place thereof the following:-

(D) The department shall administer a program of temporary emergency shelter for needy families with children and pregnant women with no other children when the family or pregnant woman has no feasible alternative housing available. The department is authorized to enter contracts with organizations to assist homeless families and pregnant women locate permanent housing. Benefits under this program shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States and shall not be provided to illegal or undocumented aliens.

Domestic Violence Training Fees

SECTION 33. Chapter 18B of the General Laws, as so appearing, is hereby amended by inserting after section 4 the following new section:-

SECTION 4A. The department shall be authorized to charge fees for training services it provides to persons or entities outside the department. In establishing a schedule of fees, the department may take into consideration the ability of the persons or entities requesting training services to pay.

Division of Occupational Safety Fees

SECTION 34. Chapter 23 of the General Laws, as so appearing in the 2000 Official Edition, is hereby amended by inserting after section 3 the following section:-

Section 3A. There shall be a surcharge on fees assessed by the division of occupational safety within the department of labor and workforce development for the licensure, registration or certification of certain professionals, and on fees assessed for the renewal or duplication of such licenses, registrations or certifications, in accordance with the provisions of this section. The amount of the surcharge shall be as follows: a \$25 annual surcharge to those persons licensed or certified individually by the division of occupational safety to perform deleading services; a \$25 annual surcharge to those persons licensed or certified individually by the division of occupational safety to perform asbestos abatement services; a \$50 annual surcharge to those persons licensed or certified on behalf of corporate and other classifications of businesses by the division of occupational safety to perform deleading services; a \$50 annual surcharge to those persons licensed or certified on behalf of corporate and other classifications of businesses by the division of occupational safety to perform asbestos abatement services; a \$50 annual surcharge to those persons licensed or certified by the division of occupational safety to provide asbestos abatement analytical services; a \$50 annual surcharge to those persons licensed or certified by the division of occupational safety to provide asbestos abatement training; a \$50 annual surcharge to those persons licensed or certified by the division of occupational safety to provide deleading training; and a \$50 annual surcharge to those persons licensed or registered to operate an employment agency as defined by section 46A of chapter 140.

Repeal the Health Care Quality Improvement Trust Fund

SECTION 35. Section 2EEE of chapter 29 of the General Laws, as inserted by section 40 of Chapter 184 of the acts of 2002, is hereby repealed and, upon the effective date of this act, the comptroller is authorized and directed to transfer any balance, positive or negative, in the fund named therein to the General Fund.

Off Budget Intragovernmental Service Fund

SECTION 36. Chapter 29 of the General Laws, as amended, is hereby further amended by inserting after section 2FFF the following new section: -

Section 2GGG. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Non-Budgeted Governmental Fund. The fund shall be used to properly account for non-budgeted revenue accounts used for governmental purposes as determined by the comptroller in accordance with Generally Accepted Accounting Principles. Revenues may be retained and expended without further appropriation. The comptroller may approve encumbrances and authorize departments to incur obligations in anticipation of expected receipts. Revenues deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the general fund. No expenditures from said fund shall be authorized that would cause said fund to be in deficit at the end of any fiscal year. Furthermore, the comptroller shall have discretion to include in this fund the balances and activities of accounts previously authorized by special or general law and reported in funds other than budgeted funds that have a governmental nature as determined by the comptroller in accordance with Generally Accepted Accounting Principles.

The following subsections describe certain internal governmental services for which the actual costs of providing the identified services, which may include, but shall not be limited to personnel costs, administrative expenses, materials and contract services, shall be charged to state agencies using these services, and revenues may be retained and expended by the agency providing the service without further appropriation for the purposes of funding these services:

- (a) The department of capital assets may charge other agencies reimbursement for overtime expenses, materials and contract services purchased in performing renovation and related services for agencies occupying state buildings or for services rendered to approved entities utilizing state facilities.
- (b) The department of capital assets may charge the division of employment and training, or other agency occupying the Hurley state office building for the costs of operation and maintenance of the space.
- (c) The comptroller may charge departments' current fiscal year appropriations for the payment of prior year

deficiencies and transfer amounts equivalent to the amounts of any prior year deficiency, so-called, subject to the conditions stated herein. The comptroller shall only assess chargebacks to those current fiscal year appropriations when the account to which the chargeback is applied is the same account to which the prior year deficiency pertains or, if there is no such account, to the current fiscal year appropriation for the general administration of the department that administered the account to which the prior year deficiency pertains. No chargeback shall be made which would cause a deficiency in any current fiscal year item of appropriation. The comptroller shall report on a quarterly basis to the house and senate committees on ways and means all chargebacks assessed, including the amount of the chargeback, the item of appropriation, subsidiary charged and the reason for the prior year deficiency.

(d) The comptroller may charge state agencies for the cost of the commonwealth's employer contributions to the Unemployment Compensation Fund and the Medical Security Trust Fund; provided, that the secretary of administration and finance shall authorize the collection, accounting and payment of such contributions. In executing these responsibilities the state comptroller may charge, in addition to individual appropriation accounts, certain non-appropriated funds in amounts that are computed on the same basis as the commonwealth's contributions are determined, including expenses, interest expense or related charges.

(e) The department of information technology may charge user agencies for the costs of postage, including but not limited to the purchase, delivery, handling of and contracting for supplies, postage fees and related equipment and other incidental expenses.

(f) The department of environment may charge user agencies for the costs of operating the department's telecommunications system; provided, that nothing in this clause shall diminish or impair the rights of access or utilization of all current users of the system pursuant to agreements which have been entered into with the department.

(g) The department of environment may charge user state agencies for the costs of purchasing fuel, oil and other associated products.

(h) The department of transportation may charge user state agencies for the costs of the purchase of bulk fuel for certain vehicles under the authority of the operational services division and the cost of purchased fuel for other state agencies and for certain administrative expenses related to purchasing and distributing the fuel.

(i) The department of state police may charge for the costs of overtime associated with requested police details; provided, that for the purpose of accommodating discrepancies between the receipt of revenues and related expenditures, the department of state police may incur expenses and the comptroller may certify for payment amounts not to exceed the most recent revenue estimate therefore as reported in the state accounting system.

(j) The department of state police may charge user agencies for the costs of operating the department's telecommunications system; provided, that nothing in this section shall diminish or impair the rights of access or utilization of all current users of the system pursuant to agreements which have been entered into with the department.

Office of Inspector General Repeal

SECTION 37. Subsection (b) of section 29F of said chapter 29, as so appearing, is hereby amended in the third paragraph by striking the words "the inspector general,".

Office of Inspector General Repeal

SECTION 38. Subsection (d) of said section 29F of said chapter 29, as so appearing, is hereby amended by striking the final sentence of the second paragraph.

Tobacco Settlement Spending

SECTION 39. Section 3 of chapter 29D of the General Laws, as amended by sections 7 and 7A of chapter 300 of the acts of 2002, is hereby further amended by striking subsection (c) and inserting in place thereof the following subsection:-

(c) The comptroller shall promptly certify to the executive office of administration and finance, the house and senate committees on way and means, the joint committee on health care and the advisory committee on health care and tobacco control established pursuant to section 5, the amount and date when any payments are made pursuant to the master settlement agreement in the tobacco action and any other payments are made or credited to said fund. The comptroller shall transfer the total amount of payments from the master settlement agreement

from the Health Care Security Trust Fund to the General Fund not later than 15 days after the certification of said payments.

Inspector General Functions Transferred to the Comptroller

SECTION 40. Paragraph (2) of subsection (b) of section 39R of chapter 30 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the words "inspector general" and inserting in place thereof the following:- the comptroller.

Inspector General Functions Transferred to the Comptroller

SECTION 41. Subsection (e) of said section 39R of said chapter 30, as so appearing, is hereby further amended by striking the words "inspector general" wherever they appear and inserting in place thereof the following:- comptroller.

State Employee Workers' Compensation Benefits

SECTION 42. Section 58 of said chapter 30, as so appearing, is hereby amended by striking the fourth paragraph and inserting in place thereof the following:-

Notwithstanding the provisions of this section, an employee who, while in the performance of duty, receives bodily injuries resulting from acts of violence of patients or prisoners in his custody, and who as a result of such injury would be entitled to benefits under sections 34 and 34A of said chapter 152 shall be paid the difference between his regular salary and the weekly cash benefits to which he would be entitled under said chapter 152; or, under chapter 152, section 35, shall be paid the difference between his regular salary and the sum of the weekly cash benefits to which he would be entitled under said chapter 152 and an assigned or agreed upon earning capacity. Employees who are separated from employment by way of resignation or retirement shall not be entitled to payments under this section.

Inspector General Functions Transferred to the Comptroller

SECTION 43. Paragraph (33) of subsection (b) of section 1 of chapter 30B of the General Laws, as so appearing, is hereby amended by striking the words "inspector general" and inserting in place thereof the following:- comptroller.

Inspector General Functions Transferred to the Comptroller

SECTION 44. Subsection (c) of section 5 of said chapter 30B, as so appearing, is hereby amended in the final sentence of the last paragraph by striking out the words "inspector general" and inserting in place thereof the following:- comptroller.

Office of Inspector General Repeal

SECTION 45. Section 17(d) of Chapter 30B, as appearing in the 2000 Official Edition, is hereby repealed.

Inspector General Functions Transferred to the Comptroller

SECTION 46. Section 19 of said chapter 30B, as so appearing, is hereby amended in the final sentence by striking out the words "inspector general" and inserting in place thereof the following:- comptroller.

Civil Service Reform

SECTION 47. The General Laws are hereby amended by repealing chapter 31 and inserting in place thereof the following chapter:-

Section 1. In this chapter, the following words and phrases shall have the following meanings, unless the context requires otherwise:-

"Administrator", the personnel administrator of the department of human resources within the executive office for

administration and finance.

"Appointing authority", any person, board or commission with power to appoint or employ public safety personnel.

"Civil service law", this chapter.

"Civil service law and rules", this chapter and the rules promulgated pursuant to this chapter.

"Department" or "division", the department of human resources within the executive office for administration and finance.

"Disabled veteran", any veteran, as defined in this section, who (1) has a continuing service-incurred disability of not less than 10 per cent based on wartime service for which he is receiving or entitled to receive compensation from the veterans administration or, provided that such disability is a permanent physical disability, for which he has been retired from any branch of the armed forces and is receiving or is entitled to receive a retirement allowance, or (2) has a continuing service-incurred disability based on wartime service for which he is receiving or is entitled to receive a statutory award from the veterans administration.

"Entrance requirements", the prerequisites which an applicant must satisfy to be qualified for appointment to a public safety position.

"Entry level", a public safety position having a title which is the lowest in a series of titles in a municipal or in the state classification plan, whether or not higher titles in same job series exist in the same department.

"Hiring list", a list established by the administrator, pursuant to the civil service law and rules, of persons who have passed a competitive examination for a public service position.

"Public Safety Positions", municipal police officers and firefighters, environmental police officers, Massachusetts Bay Transportation Authority police, parole officers and correction officers.

"Requisition", a request by an appointing authority to the administrator for a hiring list of persons who have passed a competitive examination for a public safety position.

"Rules", the rules promulgated by the personnel administrator pursuant to this chapter.

"Title", a descriptive name applied to a position or to a group of positions having similar duties and the same general level of responsibility.

"Veteran", any person who:

- (1) comes within the definition of a veteran appearing in the forty-third clause of section 7 of chapter 4; or,
- (2) comes within such definition except that instead of having performed "wartime service" as defined therein, he has been awarded the Congressional Medal of Honor or one of the following campaign badges: Second Nicaraguan Campaign, Yangtze Service, Navy Occupation Service, Army of Occupation or Medal for Humane Action; or,
- (3) is a person eligible to receive the Congressional Medal of Honor or one of the campaign badges enumerated in clause (2) of this paragraph and who presents proof of such eligibility which is satisfactory to the administrator. A veteran shall not include active duty for training in the army national guard or air national guard or active duty for training as a reservist in the armed forces of the United States.

"Wartime service", the same meaning as specified in the forty-third clause of section 7 of chapter 4, or active service in the armed forces of the United States in any campaign for which an award was made of any of the campaign badges enumerated in the definition of "veteran" in this section.

Section 2. The administrator shall make and amend rules which shall regulate the development and administration of competitive examinations for public safety personnel. Such rules and regulations shall include provisions for the following:

- (a) Open competitive and other examinations to test the practical fitness of applicants.
- (b) Examination fees.
- (c) Scoring and ranking of persons for positions in accordance with the results of examinations.
- (d) Passing requirements for examinations.
- (e) Credit for education and/or experience.
- (f) Preference points to veterans.
- (g) Preference points to the sons and daughters of firefighters and police officers killed in the line of duty.
- (h) Development of recruitment programs.

Section 3. In addition to the administrator's powers and duties under this chapter, chapter 7 and chapter 30, the

administrator shall have the following powers and duties:

- (a) To administer, enforce and comply with the civil service law and rules.
- (b) To evaluate the qualifications of applicants for public safety examinations.
- (c) To develop and conduct competitive examinations for purposes of establishing hiring lists for public safety personnel.
- (d) To maintain records of examinations which have been conducted and hiring lists which have been established.
- (e) To establish a recruitment program to recruit applicants for public safety examinations.
- (f) To establish a schedule of fees to be collected from applicants taking entry level and promotional competitive civil service merit examinations.

Section 4. An appointing authority desiring to make an appointment to a public safety position may submit a requisition to the administrator. Upon receipt of such requisition, the administrator shall provide the appointing authority with a hiring list of persons who have passed a competitive examination for the position.

Section 5. Examinations shall be conducted under the direction of the administrator, who shall determine their form, method and subject matter. Examinations shall fairly test the knowledge, skills and abilities which can be practically and reliably measured and which are actually required to perform the primary or dominant duties of the public safety position for which the examination is held. The administrator shall, in development of examinations, consult with professionals in the field to increase emphasis upon aptitudes relevant to performing the positions to be tested. Upon the application of a disabled person to take an examination for any position, the administrator, upon written request of such person, shall make reasonable accommodations as will enable such disabled person to take the examination.

In any competitive examination, an applicant shall be given credit for education and/or experience in the position for which the examination is held. In any examination, the applicant shall be allowed sevendays after the date of such examination to file with the administrator an education and experience sheet and to receive credit for such education and experience as of the time designated by the administrator.

Section 6. The administrator shall prepare notices of all examinations and shall send such notices to the appointing authorities of those cities and towns where persons are domiciled that may be eligible to apply to take such examinations. The appointing authorities shall cause such notices to be posted in the city and town halls and in other conspicuous places for at least three weeks prior to the final day for the filing of applications for the examination or, if no such final day for filing is indicated, as directed by the administrator. The appointing authorities of such cities and towns shall submit a report to the administrator certifying that all such notices have been posted pursuant to the requirements of this section. The administrator shall determine when such report shall be submitted and the specific information it shall contain concerning the time and place of posting of notices. Each notice required by this section shall state the duties and title of and required qualifications for the position for which the examination is to be held, the time, place and manner of applying for admission to the examination, the entrance requirements, if any, and any other information which the administrator determines should be included because of its relevancy and usefulness.

Section 7. The administrator shall prepare a notice of each competitive examination to be held for a promotional appointment for a public safety position. Each notice required by this section shall state the duties and title of and required qualifications for the position for which the examination is to be held, the time, place and manner of applying for admission to the examination, the entrance requirements, and any other information which the administrator determines should be included because of its relevancy and usefulness.

Section 8. Each application for examination pursuant to the civil service law and rules shall be made under the penalties of perjury and shall contain requests for such information, as the administrator deems necessary. Each such application for a competitive examination shall include a fee subject to the rules adopted pursuant to section two of this chapter.

Section 9. The administrator shall determine the passing requirements of examinations.

Section 10. The administrator shall establish, maintain and revise hiring lists of persons who have passed each examination for appointment to a public safety position. The names of such persons shall be arranged on such list in the order of their marks on the examination. Each hiring list shall be established or revised as soon as such marks are determined by the administrator. The administrator shall make all hiring lists available for public inspection.

Section 11. The names of persons who pass examinations for appointment to any public safety position shall be placed on hiring lists in the order of their respective standings. Upon receipt of a requisition, names shall be sent from such lists according to the methods prescribed by the rules established under section 2 of this chapter. Notwithstanding any other provisions of this chapter or of any other law, a son or daughter of a firefighter or a police officer who passes the required written and physical examination for entrance to the fire service or police service shall receive an additional five (5) points to his/her score on the competitive examination. To receive the additional five (5) points to his/her score the following must apply: (1) in the case of a firefighter, such firefighter

while in the performance of his duties and as the result of an accident while responding to an alarm of fire or while at the scene of a fire was killed or sustained injuries which resulted in his death; or (2) in the case of a police officer, such police officer while in the performance of his duties and as a result of an assault on his person was killed or sustained injuries which resulted in his death. In every case, however, the son or daughter must attain a passing mark on an examination before additional credits may be added to his/her score. The additional credits may not be applied to raise a failing grade to a passing one.

Notwithstanding any other provision of this chapter or of any other law, disabled veterans shall receive an additional five (5) points to their examination scores in entry-level examinations and two (2) points in promotion examinations. Non-disabled veterans shall receive an additional two (2) points in open-competitive examinations and two (2) points in promotion examinations. In every case, however, the veteran must attain a passing mark on an examination before additional credits may be added to his/her score. The additional credits may not be applied to raise a failing grade to a passing one.

Section 12. The administrator shall establish initial medical and physical fitness standards which shall be applicable to police officers and firefighters appointed from a hiring list, pursuant to section 4 of this chapter, to positions in cities and towns or other governmental units. Such standards shall be established by regulations promulgated by the administrator after consultation with representatives of police and firefighter unions, and the Massachusetts Municipal Association.

Notwithstanding the provisions of this paragraph, any municipality may adopt, subject to collective bargaining, stricter medical and physical fitness standards. Such initial medical and physical fitness standards shall be rationally related to the duties of such positions and shall have the purpose of minimizing health and safety risks to the public, fellow workers and the police officers and firefighters themselves.

The administrator shall establish procedures for the administration of such medical and physical fitness examinations by cities and towns. The provisions of this section shall apply to all police officers and firefighters in cities, towns, districts, or other governmental units who have requested a requisition from the administrator.

Section 13. No person shall willfully or corruptly alter any examination paper of any applicant, or willfully or corruptly substitute any other paper for such examination paper, for the purpose of either improving or injuring the prospects or chances for appointment, employment or promotion of such applicant or of any other person. Any person who violates or conspires to violate any provision of this paragraph shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

No person, by himself or in cooperation with one or more persons, shall willfully or corruptly defeat, deceive or obstruct any person with respect to his right, pursuant to the civil service law and rules, of examination, appointment, promotion; or willfully or corruptly make a false mark, grade, estimate or report on the examination or proper standing of any person examined pursuant to the civil service law and rules; or willfully or corruptly make any false representation concerning the same or concerning the person examined; or willfully or corruptly furnish to anyone special or secret information for the purpose of either improving or injuring the prospects or chances of appointment, employment or promotion of any person examined or to be examined. No person shall impersonate any other person or permit or aid in any manner any other person to impersonate him in connection with any examination or application or request to be examined in connection with any appointment or promotion.

No person making an appointment to any public safety position shall receive or consider a recommendation of an applicant for such appointment given by any member of the general court, alderman, or councilman, except as to the character or residence of the applicant.

Any person who willfully or negligently violates or conspires to violate any of the provisions of the civil service law and rules, or who knowingly makes an appointment or employs any person in violation of such law and rules, or who refuses or neglects to comply with any provision of such civil service law and rules, shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or both, unless a different penalty is specifically provided in this chapter.

Section 14. The administrator may take any necessary and appropriate action to enforce the civil service law and rules.

Civil Service Reform

SECTION 48. Chapter 31A of the General Laws, as so appearing, is hereby repealed.

Group Health Insurance Premium Contributions

SECTION 49. Section 8 of chapter 32A of the General Laws, as so appearing, is hereby amended by striking the first and second paragraphs and inserting in place thereof the following:-

Notwithstanding the provisions of any general or special law to the contrary, for policies of group life insurance and accidental death and dismemberment insurance, and group health insurance purchased by the division in accordance with the provisions of sections 4, 5, and 10C, the commonwealth, on behalf of active and retired employees, shall contribute a portion of the aggregate monthly premiums applicable to said coverages. At the

beginning of each fiscal year, the division shall set the amount contributed by the commonwealth of the aggregate monthly premiums applicable to said coverages based upon the amount appropriated for this expenditure in the general appropriation act. The actual percentage of each such plans' premium to be contributed by the commonwealth may vary from plan to plan provided that (i) the aggregate premiums contributed by the commonwealth shall not be less than the aggregate amount to be contributed as set above and (ii) the state contribution for the least costly plan available for each individual shall not be less than (a) 75% in the case of active employees of and those retirees retiring after July 1, 2003, or (b) 85% in the case of retirees retired on or after July 1, 1994 or (c) 90% in the case of retirees retired prior to July 1, 1994. In determining the least costly plan, the rates for differing plans may be adjusted to reflect differences in the wellness-risk of the populations covered. The commonwealth shall contribute a share of any additional premium which may be required for coverage of an employee's dependent child who is 19 years of age or over and mentally and physically incapable of earning his own living, such share equaling the same ratio as that paid on behalf of an active or retired employee and dependent.

Emergency Finance Board Repeal

SECTION 50. Section 5B of Chapter 40 of the General Laws, as so appearing, is hereby amended by striking the words "Emergency Finance Board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three" and inserting in place thereof the following:- secretary of administration and finance.

Emergency Finance Board Repeal

SECTION 51. Section 7 of chapter 44 of the General Laws, as so appearing, is hereby amended by striking clause (3A) and inserting in place thereof the following new clause:-

(3A) For remodeling, reconstructing or making extraordinary repairs to public buildings owned by the city or town, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair, such amounts as may be approved by the secretary of administration and finance, and for such maximum term not exceeding 20 years, as the secretary shall fix. Each city or town seeking approval by the secretary of a loan under this clause shall submit to said secretary all plans and other information considered by the secretary to be necessary for a determination of the probable extended use of such building likely to result from such remodeling, reconstruction or repair, and in considering approval of any such requested loan and the terms thereof, special consideration shall be given to such determination.

Emergency Finance Board Repeal

SECTION 52. Said section 7 of said chapter 44, as so appearing, is hereby further amended by striking clause (9) and inserting in place thereof the following new clause:-

(9) For the cost of departmental equipment, five years or for such maximum term, not exceeding 15 years as may be approved by the secretary of administration and finance. Each city or town seeking approval by the secretary under this clause for the cost of departmental equipment shall submit to the said secretary any information considered by the secretary to be necessary for a determination of the probable useful life of such equipment.

Emergency Finance Board Repeal

SECTION 53. Clause (4A) of section 8 of said chapter 44, as so appearing, is hereby amended by striking the words "emergency finance board" and inserting in place thereof the following:- secretary of administration and finance.

Emergency Finance Board Repeal

SECTION 54. Clause (8) of said section 8 of said chapter 44, as so appearing, is hereby amended by striking the words "emergency finance board, established under section 47 of chapter 10" and inserting in place thereof the following:- secretary of administration and finance.

Emergency Finance Board Repeal

SECTION 55. Clause (8A) of said section 8 of said chapter 44, as so appearing, is hereby amended by striking the words "emergency finance board, established under section 47 of chapter 10" and inserting in place thereof the following:- secretary of administration and finance.

Emergency Finance Board Repeal

SECTION 56. Said clause (8A) of said section 8 of said chapter 44, as so appearing, is hereby further amended by striking the word "board" wherever it appears and inserting in place thereof the following word:- secretary.

Emergency Finance Board Repeal

SECTION 57. Clause (15) of said section 8 of said chapter 44, as so appearing, is hereby amended by striking the words "emergency finance board" and inserting in place thereof the following:- secretary of administration and finance.

Emergency Finance Board Repeal

SECTION 58. Clause (18) of said section 8 of said chapter 44, as so appearing, is hereby further amended by striking the words "emergency finance board" and inserting in place thereof the following:- secretary of administration and finance.

Emergency Finance Board Repeal

SECTION 59. Clause (19) of said section 8 of said chapter 44, as so appearing, is hereby further amended by striking the words "emergency finance board" and inserting in place thereof the following:- secretary of administration and finance.

Emergency Finance Board Repeal

SECTION 60. Clause (20) of said section 8 of said chapter 44, as so appearing, is hereby further amended by striking the words "emergency finance board" and inserting in place thereof the following:- secretary of administration and finance.

Emergency Finance Board Repeal

SECTION 61. Clause (23) of said section 8 of said chapter 44, as so appearing, is hereby amended by striking the words "emergency finance board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three" and inserting in place thereof the following:- secretary for administration and finance.

Emergency Finance Board Repeal

SECTION 62. Said clause (23) of said section 8 of said chapter 44, as so appearing, is hereby further amended by striking the word "board" and inserting in place thereof the following:- secretary.

Emergency Finance Board Repeal

SECTION 63. Section 10 of said chapter 44, as so appearing, is hereby amended in the first paragraph by striking the words, "emergency finance board established under chapter forty-nine of the acts of nineteen hundred and thirty-three" and inserting in place thereof the following:- secretary of administration and finance.

Inspector General Functions Transferred to the Comptroller

SECTION 64. Paragraph 6 of section 53F of chapter 44, as so appearing, is hereby amended by striking the words "inspector general" and inserting in place thereof the following:- comptroller.

Charter Schools Federal Reimbursement for Medical Services

SECTION 65. Section 72 of chapter 44 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended, in line 59, by inserting after the word "commission", the following:- , charter school.

Emergency Finance Board Repeal

SECTION 66. Section 1 of chapter 44A of the General Laws, as so appearing, is hereby amended by striking the definition of "Board" and inserting in place thereof the following:- "Secretary", the secretary of administration and finance.

Emergency Finance Board Repeal

SECTION 67. Section 2 of said chapter 44A, as so appearing, is hereby amended by striking the word "board" wherever it appears, and inserting in place thereof the following:- secretary.

Emergency Finance Board Repeal

SECTION 68. Section 3 of said chapter 44A, as so appearing, is hereby amended by striking the word "board" wherever it appears, and inserting in place thereof the following word:- secretary.

Emergency Finance Board Repeal

SECTION 69. Said section 3 of said chapter 44A, as so appearing, is hereby further amended in the first sentence by striking, the words "by resolution".

Emergency Finance Board Repeal

SECTION 70. Said chapter 44A, as so appearing, is hereby amended by striking section 4 and inserting in place thereof the following section:-

Section 4. Within 60 days after the submission to him of an application under section 2, the secretary shall in writing, authorize the issuance of qualified bonds if he is satisfied that the issuance of qualified bonds is appropriate. If the secretary is not satisfied, he shall specify his reasons in writing for the disapproval of the request. Failure to approve the request within this 60-day period shall constitute a denial of the application.

Emergency Finance Board Repeal

SECTION 71. Section 6 of said chapter 44A, as so appearing, is hereby amended by striking the word "board" wherever it appears and inserting in place thereof the following:- secretary.

Payment in Lieu of Taxes

SECTION 72. Sections 13 through 17C, inclusive, of chapter 58 of the General Laws are hereby repealed.

Payment in Lieu of Taxes

SECTION 73. Chapter 58 of the General Laws is hereby amended by inserting the following new section:-

Section 13A. In 2004 and every fourth year thereafter, the secretary of administration and finance, with advice from the commissioner of revenue, shall determine the value of all land with improvements thereon owned by the commonwealth in every city and town, with the exception of land used for roads, any community or state college, state university, state hospital or medical facility. Subject to appropriation, the treasurer of the commonwealth shall annually make a payment in lieu of taxes to each city and town for such land and improvements, calculated by multiplying the value thereof in each city or town, as most recently determined by the secretary, by the commercial tax rate of the city or town for the preceding fiscal year.

To assist in making such determination the secretary may require oral or written information from any officer or agent of the commonwealth or of any county or town therein and from any other inhabitant thereof, and may require such information to be on oath. Such officers, agents and persons, so far as able, shall furnish the secretary with the required information in such form as he may indicate, within 15 days after being so requested by him.

The secretary may issue guidelines or regulations governing the determination of values, the eligibility of parcels for payments, and other matters relating to payments under this section. The secretary's determinations as to

value and eligibility hereunder, shall be final.

Notwithstanding the foregoing, payments made pursuant to this section shall not exceed \$200,000,000.

Public Housing Reform - Access to Tax Returns for Wage Matching

SECTION 74. Subsection (b) of section 21 of chapter 62C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting at the end thereof the following new clause:-

(19) the disclosure to the department of housing and community development, a housing authority as defined by section 3 of chapter 121B or regional housing authority as defined in said chapter 121B, of return information necessary to determine the income of applicants and tenants of state subsidized housing and to identify individuals who have unreported income.

Taxpayer Returns Corrections

SECTION 75. Section 26 of chapter 62C of the General Laws, as so appearing, is hereby amended by striking subsection (c) and inserting in place thereof the following subsection:

(c) In the case of an arithmetic or clerical error or other obvious error apparent either upon the face of the return or apparent from a comparison of the return with any records, pertaining to the taxpayer's liability or payment thereof, which are maintained by the commissioner or furnished to the commissioner from any third party source, the commissioner may assess a deficiency attributable to such error without giving notice to the person being assessed.

The commissioner may make such corrections to errors found upon a taxpayer's return and to the amount shown as the tax assessed thereon, including an increase in tax due or a reduction in a refund claimed, as will cause the return to conform with any records, pertaining to the taxpayer's liability or payment thereof, which are maintained by the commissioner or furnished to the commissioner by any third-party. Concurrently with the making of such corrections, the commissioner shall notify the taxpayer in writing of the changes made to the return. If within 30 days of the date of such notice, or within any extended period permitted by the commissioner, the taxpayer fails to challenge the corrections, the return as corrected shall constitute the taxpayer's amended self-assessed return and the commissioner shall not be required to assess said corrected tax, nor to provide the taxpayer with a notice of intention to assess, nor to otherwise send any notice of the corrected tax liability to the taxpayer. Any taxpayer that disagrees with corrections made by the commissioner's corrections under this subsection shall challenge same in writing within 30 days of the date of the commissioner's notice, or within any extended period permitted by the commissioner. Once so challenged, the commissioner shall be required to assess any additional tax not shown on the original return in accordance with the provisions of subsection (b) of this section and shall comply with the provisions of section 32(e) if the commissioner's initial corrections to the return resulted in the reduction or elimination of a refund claimed on the return by the taxpayer.

Substantiation of Tax Abatement Applications - Interest Savings

SECTION 76. Section 37 of chapter 62C of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following new paragraph:-

The applicant shall, at the time of filing its abatement application, include and attach thereto all supporting information, documents, explanations, arguments and authorities that will enable the commissioner to determine whether the applicant is entitled to the abatement requested. The applicant shall not be deemed to have submitted a completed written abatement application until the date on which all such information reasonably requested from the applicant and reasonably necessary for a decision thereon has been furnished to the commissioner. In the event that the commissioner has made a written request to the applicant for additional information, not then contained in the taxpayer's pending abatement application, and the applicant fails to provide such information within 30 days of such request, or within any extended period allowed by the commissioner, that application shall be deemed to be incomplete and shall be denied without prejudice to its timely renewal. The commissioner shall give such applicant written notice that the denial is based upon the lack of a complete abatement application. No appeal from such denial shall be permitted either to the appellate tax board or to any probate court under section 39.

The Administrative Appeal Process for Assessments

SECTION 77. Said section 37 of said chapter 62C, as so appearing, is hereby amended in the second paragraph by inserting after the words "his application" the following:- if and only if the applicant has not already had a pre-assessment hearing pursuant to the provisions of section 26(b) of this chapter, unless the applicant first establishes to the satisfaction of the commissioner that a further hearing is necessary either due to the availability of new factual information or new legal precedent not available to the applicant at the time of the section 26(b) hearing.

Taxpayer Returns Corrections

SECTION 78. Subsection (b) of section 40 of said chapter 62C, as so appearing, is hereby amended by inserting at the end of the concluding sentence the following:- as compared with the tax liability shown as a result of any corrections made to the return by the commissioner under section 26(c) using any records regarding that liability or the payment thereof which are maintained by the commissioner or which are furnished to the commissioner by any third-party.

Interest Due Upon Refunds

SECTION 79. Subsection (a) of section 40 of said chapter 62C, as so appearing, is hereby amended by striking the words "established under section thirty-two of this chapter" and inserting in place thereof the following words:- of the federal short-term rate determined under section 6621(b) of the Internal Revenue Code, as amended and in effect for the taxable year, plus 2 percentage points, computed as simple interest.

Overpayment Date Definition and Interest Due Upon Late-Filed Returns

SECTION 80. Said subsection (a) of said section 40 of said chapter 62C, as so appearing, is hereby amended by inserting at the end thereof the following paragraphs:-

For purposes of this section, the term "date of overpayment" shall mean the later of the date when the commissioner shall have received a properly completed return and full payment of the tax due thereon, or the date that the commissioner shall have received a completed and substantiated written application for abatement filed in accordance with this chapter.

The commissioner shall not refund any tax, interest, penalty or overpayment nor shall the state treasurer make any such refund where any taxpayer fails to file a return within three years of the due date of such return, without regard to extensions

Public Housing Reform - Revenue Intercept

SECTION 81. Section 1 of chapter 62D of the General Laws, as amended by section 66 to 68 of chapter 184 of the acts of 2002, is hereby amended in the definition of "Debt" by inserting at the end thereof the following:- ;provided, for the purpose of this section any agency of a city or town shall include a housing authority as defined by section 3 and 3A of chapter 121B.

Sales Tax Upon Deliveries of Goods Sold Outside Massachusetts

SECTION 82. Section 1 of chapter 64H of the General Laws, as most recently amended by chapter 469 of the acts of 2002, is hereby further amended in the definition of "Sale at Retail" by striking the second sentence and inserting in place thereof the following sentence:- When tangible personal property is physically delivered by an owner, any former owner thereof, a factor, or any agent or representative of said owner, former owner or factor, to a consumer and that consumer resides in the commonwealth, or to any person for redelivery to said consumer, pursuant to a retail sale made by a vendor not engaged in business in the commonwealth, the person making or effectuating the delivery shall be deemed the vendor of that property and the transaction shall be a retail sale in the commonwealth by such person, regardless of any terms concerning the passage of title or risk of loss which may be expressly or impliedly applicable to any contract or other agreement or arrangement for the sale, transportation, shipment or delivery of that property.

Use Tax and Out-of-State Fabrication of Goods

SECTION 83. Section 2 of chapter 64I of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting, after the word "vendor", the following:- , or manufactured, fabricated or assembled from materials either within or without the commonwealth,.

Confidentiality of State Employee Addresses

SECTION 84. Section 10 of chapter 66 of the General Laws, as so appearing, is hereby amended by striking the last paragraph and inserting in place thereof the following paragraphs:-

The home address and home telephone number of any employee of the judicial branch, any agency, executive

office, department, board, commission, bureau, division or authority of the Commonwealth, or of any political subdivision thereof or of any authority established by the General Court to serve a public purpose, shall not be public records in the custody of a government agency which maintains records identifying such persons as falling within such categories and shall not be disclosed, but such information may be disclosed to an employee organization under chapter 150E, a nonprofit organization for retired public employees under chapter 180 or to a criminal justice agency as defined in section 167 of chapter 6.

The name and home address and home telephone number of a family member of a commonwealth employee shall not be public records in the custody of a government agency which maintains records identifying such persons as falling within such categories and shall not be disclosed.

The home address and telephone number of place of employment or education of victims of adjudicated crimes and victims of domestic violence and of persons providing or training in family planning services, and the name and home address and telephone number, or place of employment or education of a family member of any of the foregoing, shall not be public records in the custody of a government agency which maintains records identifying such persons as falling within such categories and shall not be disclosed.

Public Housing Reform - Wage Match

SECTION 85. Section 17A of said chapter 66, as so appearing, is hereby amended by inserting after the third sentence the following sentence:- The data from the records of the department of transitional assistance shall also be available to the department of housing and community development and to local housing authorities created pursuant to chapter 121B for the purpose of ascertaining or confirming any fraud or abuse by tenants of and applicants for state or federal housing assistance.

Chapter 70 Amendments

SECTION 86. Chapter 70 of the General Laws, as so appearing, is hereby amended by striking section 2 and inserting in place thereof, the following section:-

Section 2. As used in this chapter and in chapters 15, 69 and 71, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Adjusted equalized property valuation", a municipality's non-residential equalized property valuation plus the product of its residential equalized property valuation and its relative median income.

"Adjusted foundation budget", the foundation budget plus the base pupil allotment multiplied by the sum of the choice enrollment adjustment and the charter enrollment adjustment

"Base local effort", In fiscal year 2004, the base local effort shall equal the fiscal year 2003 preliminary local contribution multiplied by the sum of one plus the municipal revenue growth factor. Beginning in fiscal year 2005, the base local effort shall equal the prior year's final local effort multiplied by the sum of one plus the municipal revenue growth factor.

"Base pupil allotment", in fiscal year 2004, \$5,500 per student. In fiscal year 2005 and beyond, the prior year's base per pupil allotment adjusted by inflation as determined by the board of education.

"Chapter 70 aid", the positive difference, if any, between a municipality's adjusted foundation budget and its final local effort; provided that no municipality's chapter 70 aid shall be less than 12 per cent of its adjusted foundation budget.

"Enrollment categories", the number of students for whom a municipality is financially responsible shall be placed in one or more of the following categories as applicable:

(a) "Assumed special education enrollment", 8.25 per cent of the sum of the standard enrollment and the vocational enrollment.

(b) "Charter enrollment adjustment", the change in the number of students from a municipality enrolled in a charter school during the prior three years, divided by three, provided that the charter enrollment adjustment is not less than zero.

(c) "Choice enrollment adjustment", the change in the number of students from a municipality enrolled in a choice program during the prior three years, divided by three, provided that the choice enrollment adjustment is not less than zero.

(d) "English learner enrollment", the number of students classified as an English learner.

(e) "Low-income enrollment", the number of a municipality's students who are eligible for free or reduced cost lunches under eligibility guidelines promulgated by the federal government under 42 USC 1758.

(f) "Standard enrollment", the number of students enrolled in full time programs from kindergarten to grade 12 that are not enrolled at a vocational school, plus one half the number of students enrolled in half day kindergarten or preschool.

(g) "Vocational enrollment", the number of students enrolled at a vocational school.

"Final local effort", if the base local effort is less than the local effort standard, the final local effort shall equal the base local effort plus 25 per cent of the difference between the local effort standard and the base local effort. If the base local effort is greater than the local effort standard, the final local effort shall equal the base local effort minus 20 per cent of the difference between the local effort standard and the base local effort. In no case shall the final

local effort exceed 88 per cent of a municipality's adjusted foundation budget.

"Foundation budget", the product of the base pupil allotment and the sum of (A) the standard enrollment, (B) 0.33 times the English learner enrollment, (C) 0.5 times the low-income enrollment, and (D) 1.7 times the vocational enrollment; plus the assumed special education enrollment multiplied by twice the base pupil allotment.

"General revenue sharing aid", the amount of assistance from the commonwealth to be received by a municipality in a fiscal year from the following local aid programs: (1) payments in lieu of taxes for state-owned lands distributed pursuant to section 13A of chapter 58, (2) the distribution to cities and towns of the balance of the state lottery fund in accordance with the provisions of clause (c) of section 35 of chapter 10.

"Local effort standard", the adjusted equalized property value multiplied by 0.006.

"Municipal revenue growth factor", the change in local general revenues calculated by subtracting one from the quotient calculated by dividing the sum of (1) the maximum levy for the fiscal year estimated by multiplying the levy limit of the prior fiscal year by a factor equal to 102.5 per cent plus the average of the percentage increases in the levy limit due to new growth adjustments over the last three available years as certified by the department of revenue or as otherwise estimated by the division of local services where it appears that a municipality may not be entitled to increase its minimum levy limit by 2.5 per cent; provided, however, that if the highest percentage during such three years exceeds the average of the other two years' percentages by more than 2 percentage points, then the lowest three of the last four years shall be used for such calculation; (2) the amount of general revenue sharing aid for the fiscal year; and (3) other budgeted recurring receipts not including user fees or other charges determined by said division of local services to be associated with the provision of specific municipal services for the prior fiscal year, by the sum of (1) the actual levy limit for the prior fiscal year; (2) the amount of general revenue sharing aid received for the prior fiscal year; and (3) other recurring receipts not including user fees or other charges determined by such division of local services to be associated with the provision of specific municipal services budgeted by the municipality for the fiscal year preceding the prior fiscal year, if any; provided, however, that for the purposes of this calculation, the levy limit shall exclude any amounts generated by overrides applicable to any year after the fiscal year ending June 30, 1993; provided, further, that in the absence of an actual levy limit for the prior fiscal year, the actual levy limit for the prior fiscal year shall be estimated by multiplying the actual levy limit of the fiscal year preceding the prior fiscal year by a factor equal to 102.5 per cent plus the average of the percentage increases in the levy limit due to new growth as specified above; and provided further, that in making any of the calculations required by this definition, said division of local services may substitute more current information or such other information as would produce a more accurate estimate of the change in a municipality's general local revenues and the department shall use such growth factor to calculate the base local effort, and any other factor that directly or indirectly uses the municipal growth factor.

"Relative median income", a municipality's median individual income divided by statewide median individual income, both as reported by the Department of Revenue, averaged over the three most recent years for which data is available.

"Net school spending", the total amount spent for the support of public education, including teacher salary deferrals and tuition payments for children residing in the district who attend a school in another district or other approved facility, determined without regard to whether such amounts are regularly charged to school or non-school accounts by the municipality for accounting purposes; provided, however, that net school spending shall not include any spending for long term debt service, and shall not include spending for school lunches, or student transportation. Net school spending shall also not include tuition revenue or revenue from activity, admission, other charges or any other revenue attributable to public education. Such revenue will be made available to the school district which generated such revenue in addition to any financial resources made available by municipalities or state assistance. The department of education, in consultation with the department of revenue shall promulgate regulations to ensure a uniform method of determining which municipal expenditures are appropriated for the support of public education and which revenues are attributable to public education in accordance with this section. The regulations shall include provisions for resolving disputes which may arise between municipal and school officials.

Chapter 70 Amendments

SECTION 87. Sections 3, 5, 7, 10, 12, 13 and 14 of chapter 70 of the General Laws are hereby repealed.

Chapter 70 Amendments

SECTION 88. Said chapter 70, as so appearing, is hereby further amended by striking out section 3A and inserting in place thereof, the following section:-

Section 3A. The secretary of administration and finance in cooperation with the commissioner of revenue and the commissioner of education shall make available to the house and senate committees on ways and means, in an electronically compatible format, the criteria, components, equations, and underlying data necessary to generate the final local effort and each component of state aid authorized for distribution to municipalities and school districts pursuant to this chapter. The department of education shall update said underlying data on a bi-monthly basis, and shall revise said criteria, components and equations upon the occurrence of changes thereto.

Chapter 70 Amendments

SECTION 89. Said chapter 70, as so appearing, is hereby further amended by striking section 6 and inserting in place thereof the following section:-

Section 6. In addition to amounts appropriated for long-term debt service, school lunches, adult education, student transportation, and tuition revenue, each municipality in the commonwealth shall annually appropriate for the support of public schools in the municipality and in any regional school district to which the municipality belongs an amount not less than the sum of the foundation budget and grants for education for the fiscal year, for each such district to which the municipality sends students; provided that the commissioner may adjust a municipality's foundation budget in each district to which it sends students for any school choice tuition amounts as defined in section 12B of chapter 76 and charter school tuition amounts as defined in section 89 of chapter 71. Based on the definitions and other provisions in this chapter, the commissioner shall estimate and report the required spending to each municipality and regional school district as early as possible, but no later than March 1 for the following fiscal year. Districts shall appropriate the sum of the contributions of its member districts as well as all state school aid received on behalf of member municipalities. Districts may choose to spend additional amounts; such decisions shall be made and such amounts charged to members according to the district's required agreement.

Chapter 70 Amendments

SECTION 90. Said chapter 70, as so appearing, is hereby further amended by inserting the following section:-

Section 6A. (a) Upon the request of the board of selectmen in a town, the city council in a plan E city or the mayor in any other city, the department of revenue may recalculate the required appropriation as defined in section 6. Based on the criteria outlined in this section, the department shall recalculate the required appropriation for a municipality's local and regional schools and shall certify the amounts calculated to the department of education. (b) A city or town that used qualifying revenue amounts in a fiscal year which shall not be available for use in the next fiscal year, or that shall be required to use revenues for extraordinary non-school related expenses for which it did not have to use revenues in the preceding fiscal year, or that has an excessive certified municipal revenue growth factor which is also greater than or equal to one and one-half times the state average municipal revenue growth factor, may appeal to the department of revenue not later than October 1, for an adjustment of its required appropriation. (c) If a claim is determined to be valid, the department of revenue may reduce proportionately the required appropriation based on the amount of shortfall in revenue or based on the amount of increase in extraordinary expenditures in the current fiscal year, but no adjustment on account of an extraordinary expense shall affect the calculation of the final local effort in subsequent years. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of free cash, overlay surplus, and other available funds. (d) If, upon submission of adequate documentation, the department of revenue determines that the municipality's claim regarding an excessive municipal revenue growth factor is valid, said department shall recalculate such municipal revenue growth factor and the department of education shall use such revised growth factor to recalculate the final local effort and any other factor that directly or indirectly uses the municipal revenue growth factor. Any relief granted as a result of an excessive municipal revenue growth factor shall be a permanent reduction in the final local effort. (e) Upon the request of the board of selectmen in a town, the city council in a plan E city, or the mayor in any other city, in a majority of the member municipalities, a regional school district which used qualifying revenue amounts in a fiscal year that shall not be available for use in the next fiscal year shall appeal to the department of revenue not later than October 1 for an adjustment to its required spending. (f) If the claim is determined to be valid, the department of revenue shall reduce the required spending based on the amount of the shortfall in revenue and reduce the base local effort of member municipalities accordingly. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of excess and deficiency, surplus, and uncommitted reserves. (g) If the regional school budget has already been adopted by two-thirds of the member municipalities, then upon a majority vote of the member municipalities, the regional school committee shall adjust the assessments of the member municipalities in accordance with the reduction in required spending approved by the department of revenue or the department of education in accordance with the provisions of this section. (h) Notwithstanding the provisions of clause (14) of section 3 of chapter 214 or any other general or special law to the contrary, the amounts so determined shall be deemed to be the base local effort described in this chapter. The house and senate committees on ways and means and the joint committee on education, arts and humanities shall be notified by the department of revenue and the department of education of the amount of any reduction in the final local effort amount. (i) In the event that a city or town has an approved budget that exceeds the recalculated minimum required appropriation for its local school system or its regional school districts as provided by this section, the local appropriating authority shall determine the extent to which the community shall avail itself of any relief authorized

under this section.

(j) The amount of financial assistance due from the commonwealth shall not be changed on account of any redetermination of the required appropriation under this section.

Chapter 70 Amendments

SECTION 91. Said chapter 70, as appearing in the 2000 Official Edition, is hereby further amended by striking section 9 and inserting in place thereof the following section:-

Section 9. School districts shall report each fiscal year to the commissioner of education on the amounts spent for extraordinary maintenance, extended programming, professional development, books and instructional equipment, and administrative expenses.

School Building Assistance Waiting List Reform

SECTION 92. Section 8 of chapter 70B of the General Laws is hereby amended by striking out the second paragraph, as inserted by section 11 of chapter 300 of the acts of 2002, and inserting in place thereof the following paragraph:-

Notwithstanding the provisions of any general or special law to the contrary, the board may request supplemental information for any project on the priority list. The board may at its discretion advance any such project's position on the priority list if it determines such action is needed to address urgent facility needs, and may remove any such project from the priority list based on an assessment of need. The secretary of administration and finance shall determine the commonwealth's ability to sustain its share of eligible project costs in outgoing years, and may direct the board to advance and remove projects on the priority list in accordance with said determination. If any such project is removed from the priority list, the board may award a grant to the city, town, or regional school district for the commonwealth's share of design and other eligible project costs incurred to date, subject to appropriation.

Emergency Finance Board Repeal

SECTION 93. Section 14B of chapter 71 of the General Laws, as so appearing, is hereby amended by striking the final paragraph and inserting in place thereof the following:-
Copies of such agreement shall be submitted to the secretary of administration and finance, and the department of education, and, subject to their approval, to the several towns for their acceptance.

Emergency Finance Board Repeal

SECTION 94. Section 16H of chapter 71 of the General Laws is hereby repealed.

Chapter 70 Amendments

SECTION 95. Section 89 of said chapter 71, as so appearing, is hereby amended by striking paragraph (nn) and inserting in place thereof the following paragraph:-
(nn) Commonwealth charter schools shall be funded as follows: the commonwealth shall pay a tuition amount to the charter school equal to the lesser of: (1) the average cost per student in each student's municipality of residence; and (2) the average cost per student in the municipality in which the charter school is located. The state treasurer is hereby authorized and directed to deduct said charter school tuition amount from the total education aid, as defined in chapter 70, of the municipality in which the student resides prior to the distribution of said aid. If, in a single municipality, the total of all such deductions exceeds the total of said education aid, this excess amount shall be deducted from other aid appropriated to the city or town. If, in a single municipality, the total of all such deductions exceeds the total state aid appropriated, the commonwealth shall appropriate this excess amount. The state treasurer is hereby further authorized to disburse to the charter school an amount equal to each student's charter school tuition amount as defined above. The board of education shall adopt regulations for determining the average cost per student in calculating charter school tuition amounts for the purpose of this subsection, and in adopting said regulations shall consult with the executive office for administration and finance and shall consider the actual cost per student, the variation in cost for different grade levels and different programs, a charter school's capital costs, the advisability of establishing a maximum amount for such average cost, and the impact on existing charter schools, other public schools in the district, and new charter schools.

Circuit Breaker Reimbursement for DTA and DSS

SECTION 96. Subsection (c) of section 5A of chapter 71B of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following paragraph:-
(iii) Notwithstanding the foregoing, the reimbursement rate for students who have no father, mother, or guardian living in the commonwealth, and for any school age child placed in a school district other than a home town by, or under the auspices of, the department of transitional assistance or the department of social services, shall be 100 per cent of all said approved costs that exceed three times the state average per pupil foundation budget for in-district placements, and four times the state average per pupil foundation budget for out-of-district placements.

Chapter 70 Amendments

SECTION 97. Section 12B of said chapter 76, as so appearing, is hereby amended by striking paragraph (f), and inserting in place thereof the following paragraph:-

(f) For each student enrolling in a receiving district, there shall be a school choice tuition amount. Said tuition amount shall be equal to 75 percent of the actual per pupil spending amount in the receiving district for such education as is required by such non-resident student, but not more than \$5,000; provided, however, that for special education students whose tuition amount shall remain the expense per student for such type of education as is required by such non-resident student. The state treasurer is hereby authorized and directed to deduct said school choice tuition amount from the total education aid, as defined in chapter 70, of said student's sending municipality, prior to the distribution of said aid and to deposit said aid in the School Choice Tuition Trust Fund established by section 12C. If, in a single municipality, the total of all such deductions exceeds the total of said education aid, this excess amount shall be deducted from other aid appropriated to the city or town. If, in a single municipality, the total of all such deductions exceeds the total state aid appropriated, the commonwealth shall appropriate this excess amount.

State Library Transfer to the Secretary of the Commonwealth

SECTION 98. Section 7 of chapter 78 of the General Laws, as so appearing, is hereby amended by striking, in line 13, the words "section nineteen E" and inserting in place thereof the following:- section 30G of chapter 9.

Speeding Violation Fines

SECTION 99. Section 20 of chapter 90 of the General Laws, is hereby amended in the fourth paragraph by striking the word "\$25" and inserting in place thereof the following:- \$50.

Public Housing Reform - Revenue Intercept

SECTION 100. Section 22 of said chapter 90 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following new subsection:-

(j) Upon notice by a housing authority as defined by section 3 and 3A of chapter 121B, the registrar shall not issue, renew or reinstate a license to operate of any person against whom a judgment has been issued by any court in the commonwealth for rent due.

Drunk Driving Law Enforcement

SECTION 101. Subsection (1)(a)(1) of section 24 of said chapter 90, as so appearing, is hereby amended in the first sentence by inserting after the word "vehicle" the following:- with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

Driving Under the Influence Fines

SECTION 102. Subsection (1)(a)(1) of said section 24 of chapter 90, as so appearing, is hereby amended in the second paragraph by striking the word "\$125" and inserting in place thereof the following - \$250.

Drunk Driving Law Enforcement

SECTION 103. Subsection (1)(e) of said section 24 of said chapter 90, as so appearing, is hereby amended in the fourth sentence by striking the words "and if such evidence is that such percentage was eight one-hundredths or more, there shall be a permissible inference that such defendant was under the influence of intoxicating liquor." and inserting in place thereof the following:- in no instance shall a person operate a motor vehicle if such

percentage was eight one-hundredths or more. In cases where a person's percentage, by weight, of alcohol in their blood was eight one-hundredths or greater, they shall be punished according to the provisions of subsection (1)(a)(1) of this chapter.

Drunk Driving Law Enforcement

SECTION 104. Subsection (1)(f)(1) of said section 24 of chapter 90, as amended by section 4 of chapter 302 of the acts of 2002, is hereby further amended by striking the third sentence and inserting in place thereof the following sentence:- If the person arrested refuses to submit to such test or analysis, after having been informed that his license or permit to operate motor vehicles or right to operate motor vehicles in the commonwealth shall be suspended for at least a period of 180 days, but not more than one year for such refusal, no such test or analysis shall be made and he shall have his license or right to operate suspended in accordance with this paragraph for a period of 180 days; provided, however, that any person who is under the age of 21 or who has been previously convicted of a violation under this section or a like violation by a court of any other jurisdiction shall have his license or right to operate suspended forthwith for a period of one year for such refusal; and provided further, that any person previously convicted two or more times for a violation under this section or a like violation by a court of any other jurisdiction within 10 years of the date of the charge in question, shall have his license or right to operate suspended forthwith for a period of two years for such refusal.

Negligent Operation of a Motor Vehicle Increase Fines

SECTION 105. Paragraph 2 of subsection (2)(a) of section 24 of said chapter 90 of the General Laws, as so appearing, is hereby amended by striking the word "\$125" and inserting in place thereof the following:- \$250.

Drunk Driving Law Enforcement

SECTION 106. Section 24D of said chapter 90, as amended by section 5 of chapter 302 of the acts of 2002, is hereby further amended in the first sentence by inserting after the word "vehicle" the following:- with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

Drunk Driving Law Enforcement

SECTION 107. Section 24E of said chapter 90, as appearing in the 2000 Official Edition, is hereby amended in the first sentence by inserting after the word "vehicle" the following:- with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

Drunk Driving Law Enforcement

SECTION 108. Subsection (a) of section 24G of said chapter 90, as so appearing, is hereby amended in line 4 by inserting after the word "vehicle" the following:- with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

Drunk Driving Law Enforcement

SECTION 109. Subsection (b) of said section 24G of said chapter 90, as so appearing, is hereby amended in line 35 by inserting after the word "vehicle" the following:- with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

Drunk Driving Law Enforcement

SECTION 110. Section 24J of said chapter 90, as so appearing, is hereby amended in the first sentence by striking the words "driving under the influence of intoxicating liquors" and inserting in place thereof the following:- operating a motor vehicle with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or under the influence of intoxicating liquor.

Drunk Driving Law Enforcement

SECTION 111. Subsection (1) of said section 24L of said chapter 90, as so appearing, is hereby amended in line 4 by inserting after the word "vehicle" the following:- with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

Drunk Driving Law Enforcement

SECTION 112. Subsection (2) of said section 24L of said chapter 90, as so appearing, is hereby amended in the first sentence by inserting after the word "vehicle" the following:- with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

Drunk Driving Law Enforcement

SECTION 113. Section 24N of said chapter 90, as so appearing, is hereby amended in line 36 by striking the word "ninety" and inserting in place thereof the following:- 30.

Drunk Driving Law Enforcement

SECTION 114. Said section 24N of said chapter 90, as so appearing, is hereby further amended by striking the sixth sentence and inserting in place thereof the following:- The defendant's license or permit to operate a motor vehicle shall remain suspended for a period of 180; provided, however, that any person who is under the age of 21 or who has been previously convicted of a violation under section 24 or a like violation by a court of any other jurisdiction within 10 years of the date of the charge in question shall have his license or right to operate suspended forthwith for a period of one year for such refusal; provided, further, that any person previously convicted two or more times of a violation under section 24 of a like violation by a court of any other jurisdiction within 10 years of the date of the charge in question, shall have his license or right to operate suspended forthwith for a period of two years for such refusal.

Drunk Driving Law Enforcement

SECTION 115. Subsection (a)(1) of section 8 of chapter 90B of the General Laws, as so appearing, is hereby amended by inserting, in line 2, after the word "commonwealth" the following:- with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

Drunk Driving Law Enforcement

SECTION 116. Subsection (a)(2)(a) of said section 8 of said chapter 90B, as so appearing, is hereby amended in the second paragraph by striking the words "; and if such evidence is that such percentage was eight one-hundredths or more, there shall be a permissible inference that such defendant was under the influence of intoxicating liquor" and inserting in place thereof the following words:- In no instance shall a person operate a vessel if such percentage was eight one-hundredths or more. In cases where a person's percentage, by weight, of alcohol in their blood was eight one-hundredths or greater, they shall be punished according to the provisions of subsection (a)(1)(A) of this section.

Drunk Driving Law Enforcement

SECTION 117. Subsection (1) of section 8A of said chapter 90B, as so appearing, is hereby amended by inserting after the word "commonwealth" the following:- with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

Drunk Driving Law Enforcement

SECTION 118. Subsection (2) of said section 8A of said chapter 90B, as so appearing, is hereby amended by inserting after the word "commonwealth" the following:- with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

Drunk Driving Law Enforcement

SECTION 119. Subsection (1) of section 8B of said chapter 90B, as so appearing, is hereby amended in the first sentence by inserting after the word "commonwealth" the following:- with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

Drunk Driving Law Enforcement

SECTION 120. Subsection (2) of said section 8B of said chapter 90B, as so appearing, is hereby amended by inserting after the word "commonwealth" the following:- with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

Drunk Driving Law Enforcement

SECTION 121. Section 26 of said chapter 90B, as so appearing, is hereby amended in the first paragraph by inserting after the words "recreation vehicle" the following:- with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

Drunk Driving Law Enforcement

SECTION 122. Section 24D of chapter 90 of the General Laws, so amended, is hereby further amended by striking the fourth paragraph, and inserting in place thereof the following paragraph:- Upon each disposition under this section, the defendant will surrender any Massachusetts drivers license or permit in his possession to the probation department of that court. The probation department will dispose of the license, and the court shall report the disposition in the case in a manner as determined by the registrar. Notwithstanding the provisions of section 24 (1)(c)(2), section 24 (1)(f)(1), and section 24P of this chapter, a defendant may immediately upon entering a program pursuant to this section apply to the registrar for consideration of a limited license for hardship purposes. The registrar, at his discretion, may issue such license under such terms and conditions as he may proscribe. Any such license shall be valid for an identical 12 hour period, seven days a week. This provision shall also apply to any other suspensions due to the same incident that may be in effect pursuant to section 24 (1)(c)(2), section 24 (1)(f)(1) and section 24P of this chapter. Nothing in this section shall be construed to authorize hardship eligibility if the person is suspended or revoked, or to be suspended or revoked, under any other statute not referenced in this section, or due to any other incident. Failure of the operator to complete his obligations to the program, or remain in compliance with court probation, shall be cause for immediate revocation of the hardship license. In these and all cases where a hardship license is sought by an operator, the probation office for the court where the offender is on probation will, upon request, furnish the Registry with documentation verifying the person's status with probation.

Price Accuracy Violation Fees

SECTION 123. Section 184E of chapter 94, as so appearing, is hereby amended in the first paragraph by striking the second and third sentences and inserting in place thereof the following:- Violations shall be punished for the first offense by a fine of \$200, for the second offense by a fine of \$500, and for a subsequent offense, by a fine of \$1,000. Notwithstanding the method for determining the amount of civil fines pursuant to section 29A of said chapter 98, a civil citation may be issued for \$200 for each violation, up to a maximum of \$5,000 per inspection.

Bottle Deposit Refunds

SECTION 124. Chapter 94 of the General Laws, as so appearing, is hereby amended by striking sections 321 and 322 and inserting in place thereof the following sections:

Section 321. In sections 321 to 327, inclusive, the following definitions shall, unless the context clearly requires otherwise, have the following meaning:

"Beverage", noncarbonated water including flavored water, fruit and vegetable juices and drinks, coffee and tea drinks, sport drinks, soda water or similar carbonated soft drinks, mineral water, beer and other malt beverages, and other alcoholic beverages as defined in chapter 138, but shall not include dairy products.

"Beverage container", any sealable bottle, can, jar, or carton which is primarily composed of glass, metal, plastic or any combination of those materials and is produced for the purpose of containing a beverage. This definition shall not include containers made of biodegradable material or less than 2.5 ounces. This definition shall include containers of two gallon capacity or less for carbonated beverages, malt beverages and alcoholic beverages as defined by chapter one hundred and thirty eight and less than one gallon for noncarbonated water including flavored water, fruit and vegetable drinks, coffee and tea drinks, and sport drinks.

"Bottler", any person filling beverage containers for sale to distributors or dealers, including dealers who bottle or

sell their own brand of beverage.

"Consumer", any person who purchases a beverage in a beverage container for use or consumption with no intent to resell such beverage.

"Dealer", any person, including any operator of a vending machine, who engages in the sale of beverages in beverage containers to consumers in the commonwealth.

"Distributor", any person who engages in the sale of beverages in beverage containers to dealers in the commonwealth including any bottler who engages in such sales.

"Label", a molded imprint or raised symbol on or near the bottom of a plastic product.

"Plastic", any material made of polymeric organic compounds and additives that can be shaped by flow.

"Plastic bottle", a plastic container that has a neck that is smaller than the body of the container, accepts a screw type, snap cap or other closure and has a capacity of sixteen fluid ounces or more, but less than five gallons.

"Rigid plastic container", any formed or molded container, other than a bottle, intended for single use, composed predominantly of plastic resin and having a relatively inflexible finite shape or form with a capacity of eight ounces or more but less than five gallons.

"Reusable beverage container", any beverage container so constructed and designed that it is structurally capable of being refilled and resold by a bottler at least ten times after its initial use.

Section 322. Every beverage container sold or offered for sale in the commonwealth shall have a refund value of not less than five cents, except alcoholic beverages as defined by chapter 138 in beverage containers greater than one pint shall have a refund value of 15 cents. The provisions of this section shall not apply to such containers sold by a distributor for use by a common carrier in the conduct of interstate passenger service.

Retail Electronic Pricing Systems Exemptions

SECTION 125. Said chapter 94, as so appearing, is hereby amended by inserting at the end thereof the following sections:-

Section 329A. (a) "Deputy director" shall mean the deputy director of the division of standards.

(b) "Person" shall mean an individual, firm, partnership, association or corporation.

(c) "Division" shall mean the division of standards.

(d) "Computer-assisted check out system" shall mean any electronic device, computer system or machine which determines the selling price of a stock-keeping item by interpreting its universal product code, or by any other use of a price look-up function.

(e) "Inspector" shall mean the deputy director or authorized agent to enforce the provisions of this chapter.

(f) "Item price" shall mean the lowest indicated price on a shelf tag, sign or advertisement.

(g) "Price look-up function" shall mean the capability of any checkout system to determine the retail price of a stock-keeping item electronically or by way of the manual entry into the system of a code number assigned to that particular unit by the retail store or by way of the checkout operator's consultation of a file maintained at the point of sale.

(h) "Retail store" shall mean a store selling stock-keeping units at retail. A store which is not open to the general public but is reserved for use by its members shall come within the provisions of this definition unless the members must pay a direct fee to the store to qualify for membership and the store is not required to collect sales tax on transactions with members. Pursuant to this section a retail store shall not include any store which:

1) has its only full-time employee the owner thereof, or the parent, or the spouse or child of the owner, or in addition thereto, not more than three employees; or

2) had annual gross sales in a previous calendar year of less than \$5,000,000, unless the retail store is part of a network of subsidiaries, affiliates or other member stores, under direct or indirect common control, which as a group, had annual gross sales in the previous calendar year of \$5,000,000 or more; or

3) engages primarily in the sale of food for consumption on the premises or in a specialty trade which the deputy director determines, by regulation, would be inappropriate for item pricing.

(i) "Sale items or weekend special" shall mean stock-keeping items offered for sale for a period of seven days or less in a retail store at a price below the price that the item is sold for 30 days previous to the start of the sale.

(j) "Stock-keeping unit" shall mean each group of items offered for sale of the same brand name, quality of contents, retail price, and variety:

1) food, including all material, solid, liquid or mixed, whether simple or compound, used or intended for consumption by human beings or domestic animals normally kept as household pets and all substances or ingredients to be added thereto for any purpose; and

2) napkins, facial tissues, toilet tissues, and any disposable wrapping or container for the storage, handling or serving of food, and

3) detergents, soaps, other cleansing agents, and cleaning implements, and

4) non-prescription drugs, feminine hygiene products and health and beauty aids.

(k) "Stock-keeping item" shall mean each item of a stock-keeping unit offered for sale.

(l) "Universal product coding" shall mean any system of coding which entails electronic pricing.

Section 329B. (a) Notwithstanding the provision of any law or regulation to the contrary, every person who sells, offers for sale or exposes for sale in a retail store a stock-keeping unit that bears a universal product code shall

disclose to the consumer the item price of each stock-keeping item as defined in section 329A of this chapter.

(b) The following stock-keeping items need not be item priced as provided in subdivision (a) of this section and other applicable Massachusetts law provided that a shelf-price adjacent to the display is maintained for such stock-keeping items:

- (1) Stock-keeping items, which are under three cubic inches in size, and weigh less than three ounces, and are priced under 50 cents,
- (2) Items sold through a vending machine,
- (3) Milk,
- (4) Eggs,
- (5) Loose fresh produce,
- (6) Stock-keeping items, which are offered for sale in single packages and weighing three ounces or less,
- (7) Stock-keeping items offered as a sale item or weekend special,
- (8) Strained and junior size baby foods packaged in jars,
- (9) Single cans or bottles of soda where the selling price for different flavors packaged for or by the consumer,
- (10) Stock-keeping items, which are displayed for sale in bulk, which are either packaged for or by the consumer,
- (11) Snack foods such as cakes, gum, candies, chips and nuts offered for sale in single packages and weighing five ounces or less,
- (12) Food sold for consumption on premises, and
- (13) Frozen juice and ice cream.

(c) The provisions of this section may be subsequently modified or amended by order of the deputy director, either by adding or deleting stock-keeping units from the list of exemptions or by further directing the manner in which the selling price of exempted stock-keeping units shall be posted.

Section 329C. (a) No retail store shall charge a retail price for any exempt or non-exempt stock-keeping item which exceeds the lower of any item, shelf, sale or advertised price of such stock-keeping item. In the event that the price exceeds the lowest price a store is permitted to charge for a stock-keeping unit, the store will be subject to a penalty as described in this chapter and other applicable law at the discretion of the deputy director.

(b) In a store with a laser scanning or other computer assisted checkout system, the inspector shall be permitted to compare the item, shelf, sale, or advertised price of any one stock-keeping item within a stock-keeping unit sold in the store with the programmed computer price.

(c) The deputy director shall establish a randomized store inspection procedure designed to eliminate any bias in selecting stores to be inspected for price auditing purposes. However, any retail store may be inspected at any time upon complaint or if the deputy director has sufficient cause to audit a particular store or stores to ensure pricing accuracy.

Section 329D. (a) Every person, store, firm, partnership, corporation, or association which uses a computer-assisted checkout system and which would otherwise be required to item price as provided in section 329C of this chapter, sections 184B through 184E, inclusive, of chapter 94, or other applicable Massachusetts law, may make an application in writing to the deputy director for a waiver of said item pricing requirement. A separate application shall be required for each store. The deputy director, subject to the approval of the secretary of administration and finance, shall establish an annual registration fee, which must be submitted with the initial application and subsequent renewal. The deputy director shall approve or reject the application within 60 days from the date of receiving the application. If the application is rejected, the application fee shall be returned. The deputy director shall establish rules and regulations regarding the retail store's electronic pricing systems, signage, and other requirements, which all applicants must meet in order to become registered.

(b) The registration fee is based upon the number of cash registers in each store as set according to the following schedule:

Waiver Fee Per Cash Register:

- 1 to 3 cash registers \$500
- 3 to 5 cash registers \$750
- 3 to 7 cash registers \$1,000
- 7 or more cash registers \$2,000

(c) Waiver applications and the required fee must be received at the division by October 1, 2003, and annually thereafter. Stores that fail to comply with the required registration, will be subject to violations pursuant to sections 184B through 184E, inclusive, of chapter 94 or any other applicable law or regulation. New stores or establishments that did not previously hold waivers, may apply after the October 1, 2003 deadline.

(d) Systems approved by the deputy director must have means to provide an audit trail regarding item price changes that can be accessed by state enforcement agents upon request. All item prices once entered into the store's electronic pricing system shall remain unchanged for a minimum of 72 hours, unless the price is to be reduced or is the result of a gross pricing error.

(e) A waiver from item pricing shall be valid for a period of one year from the date of issuance. Stores must reapply annually for renewal of waiver at the rates established in subsection (a) of this section.

(f) Any registered retail store that fails to meet the state price accuracy standard of 98 per cent based on the price accuracy inspection procedure adopted by the division shall be re-inspected after thirty days of the initial inspection. If the store fails upon re-inspection to meet the price accuracy standard, the registration will be suspended for a period of six months. During the suspension period, the store will be required to individually item

- price every item offered for sale. After this period, the store can request the division, in writing, to re-inspect the store. If the store after re-inspection meets the price accuracy standard, the registration may be re-instated.
- (g) As a condition of the waiver from item pricing pursuant to this section, each store which accepts a waiver must agree to meet the following requirements:
- (i) The store shall designate and make available price check scanners to enable consumers to confirm the price of stock-keeping items. These price check scanners shall be in locations convenient to consumers with signs of sufficient sized lettering identifying these units to consumers. Stores will submit their proposed sign and device locations to the deputy director for approval.
 - (ii) Each registrant shall assign an employee to check all sale prices in the store's electronic pricing system prior to the start of any sale to ensure the sale prices in the system are accurate. Each registrant shall maintain a sale price log including the following: name of the store employee, date the employee performed the pre-sale price accuracy audit, and the signature of the employee. Failure to maintain the log or to make the log available upon request by any authorized agent of the deputy director will be cause for registration suspension.
 - (iii) The store shall not charge any customer a price for any stock-keeping item which exceeds the item, shelf, sale or advertised price, whichever is less.
 - (iv) The store shall make prompt payment to consumers who have been overcharged and shall correct all pricing errors identified by consumers, guaranteeing the consumer one item free if it costs less than \$10 or pay the consumer \$10 if the item costs more than \$10.
 - (v) Any item that rings up higher than the lowest advertised price shall be subject to a fine of \$200. Failure to post the required item price sign at the point of display will be subject to a fine of \$100. The fine will be increased to \$200 if the item rings up at a price higher than the lowest price charged for that item during the previous thirty days.
 - (h) The deputy director, in his discretion, may revoke a waiver from item pricing for any of the following reasons:
 - (i) Failure to comply with any provisions of this chapter;
 - (ii) Deliberate overcharging of any consumer;
 - (iii) Material misrepresentation in the application for a waiver.

Section 329E. (a) The provisions of this chapter shall be enforced by the division. Upon representation of appropriate credentials, the division shall have the right to enter upon the premises of any retail store to make an inspection and to determine compliance with the provisions of this chapter.

(b) For the purpose of determining a store's compliance with the requirements of section 329B, an inspection shall be conducted of a sample of no less than 25 stock-keeping units.

(c) For the purpose of a violation of section 329B(a), no item shall be cited more than once in a 48 hour period.

(d) With respect to the item price of any exempt item, the deputy director, in his discretion, may direct a retail store to post a sign in a conspicuous and unobstructed location in the manner and form prescribed by him.

(e) For any inspection under section 329C, the store representative shall afford the inspector access to the test mode of the checkout system in use at that store or to a comparable function of said system and to the retail price information contained in a price look-up function.

(f) The inspector shall have the authority to issue a stop removal order with respect to any stock-keeping unit being used, handled, or offered for sale in violation of sections 329B and 329C. Any such order shall be in writing and direct that the stock-keeping item shall be removed for sale pending price correction.

(g) A hearing may be requested in writing on any fineable violation or registration suspension issued by the division. The hearing will be conducted by the division's designated hearing officer. The division's designated hearing officer shall make a written determination. Such determination may be appealed to the deputy director who, after due deliberation, shall issue an order accepting, modifying, or rejecting the hearing officer's determination.

Office of Inspector General Repeal

SECTION 126. Subsection (c) of section 7(c) of chapter 111H of the General Laws is hereby repealed.

Inspector General Functions Transferred to the Comptroller

SECTION 127. Subsection (b) of section 22 of said chapter 111H, as so appearing, is hereby amended by striking the words "inspector general" and inserting in place thereof the following:- comptroller.

Inspector General Functions Transferred to the Comptroller

SECTION 128. Subsection (c) of said section 22 of chapter 111H, as so appearing, is hereby further amended by striking the words "inspector general" and inserting in place thereof the following:- comptroller.

Inspector General Functions Transferred to the Comptroller

SECTION 129. Subsection (f) of section 27 of said chapter 111H, as so appearing, is hereby amended by striking the words "inspector general" and inserting in place thereof the following:- comptroller.

Inspector General Functions Transferred to the Comptroller

SECTION 130. Subsection (c) of section 46 of said chapter 111H, as so appearing, is hereby amended by striking the words "inspector general" and inserting in place thereof the following:- comptroller.

Veterans Eligibility for Health Care Services

SECTION 131. Section 4 of chapter 115 of the General Laws, as so appearing, is hereby amended by striking the second paragraph and inserting in place thereof the following paragraph:-
Veterans' agents shall complete applications authorized by the division of medical assistance under chapter 118E for any veteran, widow and dependent applying for medical assistance under chapter 115. The veterans' agent shall file the application for the veteran or dependent for assistance under said chapter 118E. The division of medical assistance shall act on all chapter 118E applications and advise the applicant and the veterans' agent of the applicant's eligibility for chapter 118E healthcare. The veterans' agent shall advise the applicant of the right to assistance for medical benefits under chapter 115 pending approval of the application for assistance under chapter 118E by the division of medical assistance. The commissioner may supplement healthcare pursuant to 118E, with healthcare coverage under 115, if he determines that supplemental coverage is necessary to afford the veteran or dependent sufficient relief and support. Payments to or on behalf of a veteran or dependent pursuant to chapter 115 shall not be considered income for the purposes of determining eligibility under chapter 118E. However, benefits awarded pursuant to section 6B of chapter 115 shall be considered countable income.

Charges at the Soldiers' Homes

SECTION 132. Section 5 of chapter 115A of the General Laws, as so appearing, is hereby amended in line 5 by inserting after the phrase "and hospitalization in," the following:- including the setting of a daily rate to be paid by each long-term care and domiciliary resident in.

EAEDC Program Eligibility

SECTION 133. Section 1 of chapter 117A of the General Laws, as so appearing, is hereby amended by striking the first two sentences and inserting in place thereof the following:- The department of transitional assistance shall administer a program of emergency aid for the elderly, disabled and families who are found to be eligible for such aid in accordance with the regulations of the department and subject to the availability of appropriation. In promulgating, amending, or rescinding its regulations, the department shall take into account the amounts appropriated to it for this program so as not to exceed said amount. The department may provide benefits to persons 65 or older who have applied for benefits under chapter 118A, to persons determined to be disabled under the regulations of the department, to certain persons caring for the disabled, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission, and to families who are ineligible for benefits under both chapter 118 and section 210 of chapter 43 of the acts of 1997.

EAEDC Student Work Requirement

SECTION 134. Section 2 of said chapter 117A, as so appearing, is hereby amended in the first paragraph by inserting at the end thereof the following sentence:- An individual who is eligible for benefits under this chapter because of his status as a student, shall receive benefits only if the said individual is employed at least 15 hours per week.

TAFDC Program Eligibility

SECTION 135. Section 2 of chapter 118 of the General Laws, as so appearing, is hereby amended by striking the second sentence of the first paragraph and inserting in place thereof the following:- Benefits under this chapter shall not be available to those families in which a child has been removed from the household pursuant to a court order after a care and protection hearing on child abuse, nor to adult recipients otherwise eligible for benefits but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with that department's procedures. The department shall render aid to pregnant women with no other eligible children only if it has been medically verified that the child is expected to be born within the month

payments are to be made or within the three-month period following the month of payment, and who would otherwise be eligible for aid under this chapter.

Employment Services Program Eligibility

SECTION 136. Section 3 of said chapter 118, as so appearing, is hereby amended by adding the following new paragraph:-

The department is authorized to administer a program of education and training services and related support services. Applicants for, and recipients of, Aid to Families with Dependent Children under this chapter, former recipients for one year after the termination of aid, and the absent parent of a family receiving aid, may be eligible for services under this paragraph. Certain parents who have not yet reached the age of 18 years, including those who are ineligible for aid, but who would qualify except for the deeming of grandparents' income, may be eligible for services under this paragraph.

Transfer of SSI Program

SECTION 137. Section 1 of chapter 118A of the General Law, as so appearing, is hereby amended by striking the first paragraph and inserting in place thereof the following paragraph:-

The department of transitional assistance, in this chapter called the department, shall administer a program of financial assistance for aged, disabled and blind persons who reside within the commonwealth. Such assistance, which shall be called state supplementary payments, shall be based on need and granted in supplementation of benefits granted by the United States government to aged, disabled and blind individuals under the provisions of title XVI of the Social Security Act and amendments thereto, in this chapter called title XVI. Such assistance shall be granted to persons who, on account of age, disability or blindness, qualify for supplemental security income granted pursuant to title XVI and may, based on need, be granted to individuals who would, but for their income, be eligible for such supplemental security income. The department shall establish, subject to the approval of the secretary of of health and human services, standard levels for state supplementary payments for the aged, disabled and blind. Such payments may vary by category, by marital status, and by living arrangements to the extent allowed by title XVI and the regulations promulgated thereunder. The department may fund an optional supplemental living arrangement category that makes payments to individuals living in assisted living facilities certified under chapter 19D.

Transfer of SSI Program

SECTION 138. Section 7 of said chapter 118A, as so appearing, is hereby amended in the first sentence by striking the words "aged and disabled" and inserting in place thereof:- aged, disabled and blind.

Projected Expenditure and Revenue Reports for the Demonstration Project

SECTION 139. Subsection (1) of section 9A of said chapter 118E, as so appearing, is hereby amended by striking paragraph 6.

Projected Expenditure and Revenue Reports for the Demonstration Project

SECTION 140. Subsection (2) of said section 9A of said chapter 118E, as so appearing, is hereby amended in the first paragraph by striking the words "and the provisions of section nine B".

Projected Expenditure and Revenue Reports for the Demonstration Project

SECTION 141. Section 9B of chapter 118E of the General Laws is hereby repealed.

Projected Expenditure and Revenue Reports for the Demonstration Project

SECTION 142. Subsection (7) of section 9C of said chapter 118E, as so appearing, is hereby amended by striking the words "including changes necessary to ensure compliance with the budget neutrality requirements of section 9B".

Projected Expenditure and Revenue Reports for the Demonstration Project

SECTION 143. Subsection (13) of said section 9C of said chapter 118E, as so appearing, is hereby amended by striking the words "and shall be further subject to the requirements of the budget neutrality plan established by section 9B".

Nursing Home Assessment to the General Fund

SECTION 144. Section 25 of chapter 118G of the General Laws, as inserted by section 101 of chapter 184 of the acts of 2002, is hereby amended by striking the words "Health Care Security Trust Fund established by chapter 29D" where they appear, and inserting in place thereof the following:- General Fund.

Nursing Facility User Fee

SECTION 145. Subsection (b) of said section 25 of said chapter 118G, as so inserted, is hereby amended by inserting after the second sentence the following sentence:- Provided however, the division may adjust the amount of the said assessment each year to reflect the actual revenue collected in the prior fiscal year, such that revenues are sufficient to cover required expenditures.

Nursing Facility User Fee

SECTION 146. Subsection (c) of said section 25 of chapter 118G of the General Laws, as so inserted, is hereby amended by inserting at the end thereof the following sentence:- The division may require additional reports, including but not limited to monthly census data, as it deems necessary to monitor collections and compliance.

Pharmacy Assessment to the General Fund

SECTION 147. Subsection (b) of said section 26 of said chapter 118G, as so inserted, is hereby amended by striking the words "Health Care Security Trust Fund established by chapter 29D" and inserting in place thereof the following:- General Fund.

Pharmacy Assessment to the General Fund

SECTION 148. Said section 26 of said chapter 118G, as so inserted, is hereby further amended by striking subsection (g), and by renaming subsection (h) as subsection (g).

Pharmacy Assessment

SECTION 149. Subsection (a) of section 26 of said chapter 118G, as inserted by section 101 of chapter 184 of the acts of 2002 is hereby amended by striking the definition of "pharmacy" and inserting in place thereof the following:-

"Pharmacy", any retail drug business licensed by the board of registration in pharmacy in accordance with chapter 112 that is authorized to dispense controlled substances, including retail drug business as defined in section 1 of chapter 94C, and pharmacies licensed in accordance with chapter 94C that dispense drugs to individuals pursuant to a written prescription, including outpatient pharmacies of hospitals, community health center pharmacies, clinic pharmacies, and any other pharmacies that the division determines must be included within the federal class of "outpatient prescription drugs."

Pharmacy Assessment

SECTION 150. Subsection (b) of said section 26 of said chapter 118G, as so inserted, is hereby amended by inserting after the second sentence the following sentence:- Provided however, the division may adjust the amount of the said assessment each year to reflect the actual revenue collected in the prior fiscal year, such that revenues are sufficient to cover required expenditures.

Pharmacy Assessment Law

SECTION 151. Subsection (c) of said section 26 of said chapter 118G, as so inserted, is hereby amended by inserting at the end thereof the following sentence:- The division may require additional reports as it deems necessary to monitor collections and compliance.

Pharmacy Assessment

SECTION 152. Subsection (d) of said section 26 of said chapter 118G, as so inserted, is hereby amended in the third sentence by striking the words "nursing home" and inserting in place thereof the following:- pharmacy.

Public Housing Reform - Board Member Compensation

SECTION 153. Section 5 of chapter 121B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:-
Every member shall be required to attend no fewer than 75 percent of all regularly scheduled meetings during a 12-month period and shall not be absent from more than two consecutive such meetings. Failure to attend as required may be considered neglect of duty and grounds for removal.

Public Housing Reform - Board Member Compensation

SECTION 154. Section 7 of said chapter 121B, as so appearing, is hereby amended by striking the second paragraph and inserting in place thereof the following paragraph:- Members of a housing authority shall be allowed, or be reimbursed for, all expenses properly incurred by them within or without the city or town in the discharge of their duties. Such expenses shall be allocated by the housing authority among its various projects in such manner and amount as it deems proper.

Public Housing Reform

SECTION 155. Said section 32 of said chapter 121B, as so appearing, is hereby further amended by striking, in the first paragraph, the third sentence and inserting in place thereof the following:- To this end, an authority shall fix the rents for dwelling units in its projects in accordance with regulations issued by the department, so that no tenant shall be required to pay a rental of less than 32 per cent of his income if heat, cooking fuel, and electricity are provided by the authority, 30 per cent of his income if one or more utility is provided, or 27 per cent of his income if such utilities are not so provided; provided, however, that in calculating the amount of such rental, an authority may round the amount of such rental payment to the nearest whole dollar. In no instance shall a tenant household pay a rental fee of less than \$50 per month, per bedroom. Notwithstanding the provisions of section 49 of chapter 271, the authority may impose a late penalty of \$25 for failure to pay rent due. Pursuant to regulations drafted by the department, a percentage of a household's rental payment attributable to net household income in excess of \$5,000, shall be placed in an escrow account for the purpose of allowing families to transition out of assisted housing or relative to a program of services or capital improvements for the improvement of quality of life of residents of housing for the elderly/handicapped; provided, however, that rental payments held in escrow shall be treated as deductible rent for purposes of calculating Massachusetts personal income taxes pursuant to subparagraph (9) of paragraph (a) of part B of section 3 of chapter 62. Notwithstanding the provisions of any general or special law to the contrary, the payment of escrow to a household, including interest earned thereon, shall not create any state tax liability for such a household. For the purpose of determining continued eligibility, pursuant to regulations of the department, the authority shall determine the appropriate unit size based on the composition of each tenant household. If a tenant is determined to be overhoused, such tenant shall be subject to transfer to a unit of appropriate size, as required by the lease. If an overhoused tenant household refuses a transfer to an available unit of appropriate size, the tenant shall be subject to a minimum rental fee of 150 per cent of the tenant's rent.

Public Housing Reform - Elderly Income Exclusion

SECTION 156. Section 32 of said chapter 121B, as so appearing, is hereby amended by striking the second paragraph.

Public Housing Reform - Elderly Housing

SECTION 157. Section 41 of said chapter 121B, as so appearing, is hereby amended by inserting at the end thereof the following sentence:- In the event that the housing authority and the department find that a project or portion thereof is surplus to the anticipated need for the housing financed under this section and that the

department finds (i) that the housing authority has maintained the project or portions thereof in decent, safe and sanitary condition and has made diligent reasonable efforts to find eligible and qualified occupants for the units and (ii) that sufficient eligible and qualified occupants cannot be found to occupy the project or portion thereof, the housing authority with the approval of the department may change the use of such project or portion thereof to the use set out in section 34 of this chapter without repayment to the Housing Authority Bonds Sinking Fund on account of such change in use.

Public Housing Reform - Elderly Housing

SECTION 158. Section 41A of said chapter 121B, as so appearing, is hereby amended by inserting at the end thereof the following sentence:- In the event that the housing authority and the department find that a project or portion thereof is surplus to the anticipated need for the housing financed under this section and that the department finds (i) that the housing authority has maintained the project or portions thereof in decent, safe and sanitary condition and has made diligent efforts to find eligible and qualified occupants for the units and (ii) that sufficient eligible and qualified occupants cannot be found to occupy the project or portion thereof, the housing authority with the approval of the department may change the use of such project or portion thereof to the use set out in section 34 of this chapter without repayment to the Housing Authority Bonds Sinking Fund on account of such change in use.

Racing Assessments and Fees

SECTION 159. Subsection (h) of section 5 of chapter 128A of the General Laws, as most recently amended by section 12 of chapter 300 of the acts of 2002, is hereby amended by striking sub-paragraph (6) and inserting in place thereof the following:- (6) any remaining revenues shall be deposited in the General Fund.

Fee Increases for Dealers Licenses

SECTION 160. Section 122 of chapter 140 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the seventh sentence and inserting in place thereof the following sentences:- The fee for an application for a license issued under this section shall be set at \$75, which fee shall be payable to the licensing authority and shall not prorated or refunded in case of revocation or denial. The licensing authority shall retain \$12.50 of such fee; \$37.50 of such fee shall be deposited into the general fund of the commonwealth, and \$25 shall pay the fees for an interstate fingerprint check.

Ammunition Licenses Fees

SECTION 161. Section 122B of said chapter 140, as so appearing, is hereby amended by striking the fifth sentence and inserting in place thereof the following sentences:- The fee for an application for a license to sell ammunition shall be set at \$75, which fee shall be payable to the licensing authority and shall not prorated or refunded in case of revocation or denial. The licensing authority shall retain \$12.50 of such fee; \$37.50 of such fee shall be deposited into the general fund of the commonwealth, and \$25 shall pay the fees for an interstate fingerprint check.

Firearms Identification Card Fees

SECTION 162. Clause (9) of section 129B of said chapter 140 of the General Laws, as so appearing, is hereby amended by striking the fourth and fifth sentences and inserting in place thereof the following sentences:- The fee for such application shall be \$75, which fee shall be payable to the licensing authority and shall not prorated or refunded in case of revocation or denial. The licensing authority shall retain \$12.50 of such fee; \$37.50 of such fee shall be deposited into the general fund of the commonwealth, and \$25 shall pay the fees for an interstate fingerprint check; provided, however, that any renewal applicant for a firearm identification card issued for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate shall not be subject to such application fee.

License to Carry Firearms Fees

SECTION 163. Subsection (i) of section 131 of said chapter 140, as so appearing, is hereby amended by striking the fourth sentence and inserting in place thereof the following sentences:- The fee for such application shall be \$75, which fee shall be payable to the licensing authority and shall not prorated or refunded in case of revocation

or denial. The licensing authority shall retain \$12.50 of such fee; \$37.50 of such fee shall be deposited into the general fund of the commonwealth, and \$25 shall pay the fees for an interstate fingerprint check.

Permits to Purchase Firearms Fees

SECTION 164. Section 131A of said chapter 140, as so appearing, is hereby amended by striking the second paragraph and inserting in place thereof the following paragraph:-

The fee for such permits shall be \$75, which fee shall be payable to the licensing authority and shall not prorated or refunded in case of revocation or denial. The licensing authority shall retain \$12.50 of such fee; \$37.50 of such fee shall be deposited into the general fund of the commonwealth, and \$25 shall pay the fees for an interstate fingerprint check.

Non-Residents and Non-Resident Aliens Firearms Fees

SECTION 165. Section 131F of said chapter 140, as so appearing, is hereby amended in the fourth paragraph by striking the third sentence and inserting in place thereof the following sentences:- The fee for an application for such license shall be \$75, which fee shall be payable to the licensing authority and shall not prorated or refunded in case of revocation or denial. The licensing authority shall retain \$12.50 of such fee; \$37.50 of such fee shall be deposited into the general fund of the commonwealth, and \$25 shall pay the fees for an interstate fingerprint check.

Resident Aliens Firearms Fees

SECTION 166. Section 131H of said chapter 140, as so appearing, is hereby amended by striking the third sentence and inserting in place thereof the following sentences:- The fee for such permit shall be set at \$75, which fee shall be payable to the licensing authority and shall not prorated or refunded in case of revocation or denial. The licensing authority shall retain \$12.50 of such fee; \$37.50 of such fee shall be deposited into the general fund of the commonwealth, and \$25 shall pay the fees for an interstate fingerprint check.

Management Reforms

SECTION 167. Section 1 of chapter 150E of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the third paragraph the following new paragraph:-

"Confidential Employee", any person that directly assists and acts in a confidential capacity to a person or persons otherwise excluded from coverage under this chapter.

Management Reforms

SECTION 168. Said section 1 of said chapter 150E, as so appearing, is hereby further amended by striking the fifth paragraph and inserting in place thereof the following paragraph:-

"Employee" or "public employee", any person in the executive or judicial branch of a government unit employed by a public employer except elected officials, appointed officials, members of any board or commission, representatives of any public employer, including the heads, directors and executive and administrative officers of departments and agencies of any public employer, and other managerial employees, supervisory employees or confidential employees, and members of the militia or national guard and employees of the commission, and officers and employees within the departments of the state secretary, state treasurer, state auditor, attorney general or solicitor general.

Management Reforms

SECTION 169. Said section 1 of said chapter 150E, as so appearing, is hereby further amended by inserting after the ninth paragraph the following:-

"Managerial employee", any individual in a position in which the principal functions are characterized by at least one of the following: (1) responsibility for direction of a subunit or facility of a major division of an agency or assignment to an agency head's staff; (2) development, implementation and evaluation of goals and objectives consistent with agency mission and policy; (3) participation in the formulation of agency policy; (4) a substantial role in the preparation or administration of collective bargaining agreements or substantial personnel decisions, or both, including staffing, hiring, firing, evaluation, promotion and training of employees; and (5) a substantial responsibility involving the exercise of independent judgment of an appellate responsibility not initially in effect in the administration of a collective bargaining agreement or in personnel administration.

Management Reforms

SECTION 170. Said section 1 of said chapter 150E, as so appearing, is hereby further amended by inserting after the eleventh paragraph the following paragraph:-

"Supervisory employee", any individual in a position in which the principal functions are characterized by at least one of the following: (1) performing such management control duties as scheduling, assigning, overseeing and reviewing the work of subordinate employees; (2) performing such duties as are distinct and dissimilar from those performed by the employees supervised; (3) exercising judgment in adjusting grievances, applying other established personnel policies and procedures or in enforcing the provisions of a collective bargaining agreement; and (4) establishing or participating in the establishment of performance standards for subordinate employees or taking corrective measures to implement those standards.

Management Reforms

SECTION 171. Chapter 150E of the General Laws, as so appearing, is hereby amended by striking section 6 and inserting in place thereof the following section:-

Section 6. The employer and the exclusive representative shall meet at reasonable times, and shall negotiate in good faith with respect to wages, hours, and working conditions; provided, however, the obligation to bargain under this section shall not compel either party to agree to a proposal or make a concession. Notwithstanding the foregoing, the employer shall have no authority to bargain collectively over and shall have no authority to enter into a collective bargaining agreement with respect to matters of inherent management right which shall include the right:

- (i) to direct, appoint, and employ officers, agents, and employees and determine the standards therefore.
- (ii) to discharge and terminate employees subject to the provisions of clauses (a) and (b).
 - (a) No action set forth in this section (ii) shall be sustained if, in a proceeding invoked by clause (b), the employee shall establish by a preponderance of the evidence that it was based upon race, color, religion, sex, age, national origin, handicapping condition, marital status, sexual orientation or political affiliation or activities or union activities or union organizing of the employees; a reprisal against the employee for disclosure of information by an employee which the employee reasonably believes evidences a violation of any law, rule or regulation or mismanagement, a gross waste of funds or abuse of authority; a reprisal against any employee for the refusal of any person to engage in political activity.
 - (b) The parties may include in any written agreement a grievance procedure culminating in final and binding arbitration which may be invoked in the event that any employee of the employer is aggrieved by an action to discharge or terminate the employee for any of the above-cited reasons;
- (iii) to plan and determine the levels of service provided by the employer;
- (iv) to direct, supervise, control and evaluate the departments, units, and programs of the employer; to classify positions and ascribe the duties and standards of productivity;
- (v) to develop and determine levels of staffing and training;
- (vi) to determine whether goods or services should be made, leased, contracted for, or purchased on either a temporary or permanent basis;
- (vii) to assign or apportion overtime;

No employer shall collectively bargain over and shall have no authority to enter into a collective bargaining agreement that shall accord any rights related to the seniority or longevity of employees.

MCAD Fees

SECTION 172. Section 3 of chapter 151B of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following new clause: -

15. To set, charge and retain fees and costs, subject to the provisions of section 3B of chapter 7, including, but not limited to, filing fees, mediation fees, training fees and costs incurred responding to requests under the commonwealth's public records law; provided, that the commission may, where appropriate, provide for the waiver of the fees; to retain reasonable attorney's fees and costs awarded to a prevailing complainant, pursuant to section 5 of this chapter, when one of its attorneys presents the charge of discrimination before the commission on behalf of the prevailing complainant; provided, however, that all amounts received pursuant to this paragraph shall be deposited with the treasurer and made available to the commission for the expenditure for any purpose authorized by this chapter.

MCAD Penalties and Damages

SECTION 173. Section 5 of said chapter 151B, as so appearing, is hereby amended by striking the last paragraph and inserting in place thereof the following:-

If upon all the evidence at any such hearing the commission shall find that a respondent has engaged in any unlawful practice it may, in addition to any other action which it may take under this section, assess a civil penalty against the respondent:

(a) in an amount not to exceed \$10,000 if the respondent has not been adjudged to have committed any prior discriminatory practice;

(b) in an amount not to exceed \$25,000 if the respondent has been adjudged to have committed one other discriminatory practice during the five year period ending on the date of the filing of the complaint; and

(c) in an amount not to exceed \$50,000 if the respondent has been adjudged to have committed two or more discriminatory practices during the seven year period ending on the date of the filing of the complaint.

Notwithstanding the aforesaid provisions, if the acts constituting the discriminatory practice that is the object of the complaint are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory practice, then the civil penalties set forth in clauses (b) and (c) may be imposed without regard to the period of time within which any subsequent discriminatory practice occurred.

Regional Transit Authority Reimbursement Cap

SECTION 174. Section 8 of chapter 161B of the General Laws, as so appearing, is hereby amended by striking subsection (h) and inserting in place thereof the following:-

(h) All current expenses of the authority shall be in accordance with an annual budget prepared by the administrator and submitted to the advisory board no later than April 1 of each year for the ensuing fiscal year. An authority may not submit an annual budget to its advisory board for approval without first obtaining the prior written approval of the secretary of the department of transportation. On or before June 1 the advisory board shall approve said budget as submitted or subject it to such itemized reductions therein as the advisory board shall deem appropriate.

Boston Municipal Court and District Court Department Consolidation

SECTION 175. Section 1 of chapter 211B of the General Laws, as most recently amended by section 37 of chapter 177 of the acts of 2001, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be a trial court of the commonwealth which shall consist of the following departments: the superior court department, the housing court department, the land court department, the probate and family court department, the juvenile court department, and the district court department.

Boston Municipal Court and District Court Department Consolidation

SECTION 176. Section 2 of chapter 211B of the General Laws, as most recently amended by section 38 of chapter 177 of the acts of 2001, is hereby amended by striking out the first sentence and by inserting in place thereof the following sentence:- There shall be 82 justices appointed to the superior court department, 10 justices appointed to the housing court department, 6 justices appointed to the land court department, 51 justices appointed to the probate and family court department, 41 justices appointed to the juvenile court department, and 188 justices appointed to the district court department.

Supreme Judicial Court Chief Justice Appointment Powers

SECTION 177. Said chapter 211B, as appearing in the 2000 Official Edition, is hereby amended by striking out sections 5, 6 and 7 and inserting in place thereof the following sections:-

Section 5. The office of the chief justice of a department of the trial court, as provided in section 1, shall not be deemed a judicial office as comprehended under the provisions of Article I of Chapter III of Part the Second of the Constitution. Said office of chief justice shall be filled by appointment, from among the justices appointed to the particular department, by the chief justice of the supreme judicial court. The chief justice of a department of the trial court shall hold said office at the pleasure of the chief justice of the supreme judicial court.

Section 6. The office of the chief justice for administration and management of the trial court, as provided in section 1, shall not be deemed a judicial office as comprehended under the provisions of Article I of Chapter III of Part the Second of the Constitution. Said office of chief justice for administration and management shall be filled by appointment, from among the justices of the trial court departments, by the chief justice of the supreme judicial court. The chief justice for administration and management shall hold said office at the pleasure of the chief justice of the supreme judicial court. The chief justice for administration and management shall retain his commission as associate justice of the trial court, or of a predecessor court to which he was appointed, while serving as chief

justice for administration and management, and may continue to perform such judicial duties as he may have exercised as associate justice, and such other responsibilities as otherwise provided by law.

Section 7. In the case of a vacancy in the office of chief justice of a department of the trial court due to the absence of said chief justice or due to his inability to perform his duties, the office of chief justice shall be filled on a temporary basis by and in the discretion of the chief justice of the supreme judicial court from among the justices appointed to the particular department. The temporary chief justice so appointed shall hold such office until the incumbent shall resume his duties subject to the discretion of the chief justice of the supreme judicial court, or until a new chief justice is qualified as hereinbefore provided, but in no event for more than one year. A temporary chief justice shall be eligible for appointment as chief justice.

In the case of a vacancy in the office of chief justice for administration and management due to the absence of said chief justice for administration and management or due to his inability to perform his duties, the office of chief justice for administration and management shall be filled on a temporary basis by and in the discretion of the chief justice of the supreme judicial court from among the justices of the trial court departments. The temporary chief justice for administration and management so appointed shall hold such office until the incumbent shall resume his duties subject to the discretion of the chief justice of the supreme judicial court, but in no event for more than one year. A temporary chief justice for administration and management shall be eligible for appointment as chief justice.

Trial Court: Misrepresentation of Assets

SECTION 178. Said section 9 of said chapter 211B, as so appearing, is hereby further amended in the third paragraph by inserting the following clause:-

(xl) notwithstanding any general or special law to the contrary, the authority to contract with private counsel on a contingent fee basis to collect the fair market value of attorney services provided to any defendant who materially understates or misrepresents his income or assets in order to qualify for legal representation intended for indigent persons appearing before the trial court.

Assistant Court Clerks Reduction in Force

SECTION 179. Said section 9 of said chapter 211B, as so appearing, is hereby further amended in the third paragraph by striking clause (iv) and inserting in place thereof the following clause:

(iv) (a) the responsibility consistent with section 8 of chapter 211B to provide personnel management, including promulgation of job classifications, establishment of system wide personnel policies and hiring practices and the authority to act as collective bargaining agent on behalf of the trial court.

(b) Notwithstanding said section 8 of chapter 211B, section 10 or section 53 of chapter 218, or any other general or special law to the contrary, whenever there is a reduction in force in any department of the trial court and the number of assistant clerks employed in the department exceeds the number of justices employed in the same department, no employee of such department may be terminated, except for cause, because of a reduction in force until such time as the number of assistant clerks in the department is equal to or less than the number of justices employed in the same department.

Court Reporters and Alternatives

SECTION 180. Section 9 of chapter 211B, as so appearing, is hereby amended in the third paragraph by striking clause (iii) and inserting in place thereof the following clause:-

(iii) (a) the responsibility to provide the departments of the trial court with technical assistance concerning record keeping, auditing, and computers, and with support services, such as computerized legal research, stenographic, electronic and video recordation methods and telephone based interpretation services.

(b) the responsibility, with the approval of the chief justice of the supreme judicial court, to establish uniform guidelines for the use of stenographers or court reporters whether or not on salary in all departments of the trial court. The chief justice for administration and management may authorize any proceeding, or type of proceeding in any department of the trial court, to be recorded by electronic means instead of the making of a verbatim record by a stenographer or court reporter, and designate such original recording of proceedings made with an electronic recording device under the exclusive control of the court as the official record of such proceeding.

Trial Court Libraries User Fees

SECTION 181. Section 9 of said chapter 211B, as so appearing, is hereby further amended in the third paragraph by striking clause (v) and inserting in place thereof the following clause:-

(v) (a) the authority to approve all expenditures for all libraries maintained by the departments of the trial court;
(b) the chief justice for administration and management shall, subject to the approval of the chief justice of the

supreme judicial court, establish and periodically revise a uniform schedule of fees to be charged for the use of the services and facilities of the libraries maintained by the trial court and the departments of the trial court. All persons other than those employed by the commonwealth and using such services and facilities in the course of official business shall pay such fees in the manner set forth by the chief justice for administration and management.

Boston Municipal Court and District Court Department Consolidation

SECTION 182. Section 9A of said chapter 211B, as so appearing, is hereby amended by striking out, in line 28, the words "Boston municipal" and inserting in place thereof the following:- district.

Boston Municipal Court and District Court Department Consolidation

SECTION 183. Section 10B of said chapter 211B, as inserted by section 41 of chapter 177 of the acts of 2001, is hereby amended by striking subparagraph (a) and inserting in place thereof the following subparagraph:-
(a) The exclusive authority to select and appoint assistant clerks in the district court, juvenile court and housing court shall be vested in the clerks of said courts and such authority shall not be subject to the review or approval of any other person except as provided in this section.

Boston Municipal Court and District Court Department Consolidation

SECTION 184. Section 13 of said chapter 211B, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 2, the words "Boston municipal".

Boston Municipal Court and District Court Department Consolidation

SECTION 185. Said section 13 of said chapter 211B, as so appearing, is hereby further amended by striking out, in line 24, the word "housing, and Boston municipal" and inserting in place thereof the following:- and housing.

Boston Municipal Court and District Court Department Consolidation

SECTION 186. Section 17 of said chapter 211B, as so appearing, is hereby amended by striking out, in line 27, the words "Boston municipal".

Boston Municipal Court and District Court Department Consolidation

SECTION 187. Section 3 of chapter 211E of the General Laws, as so appearing, is hereby amended by striking, in line 148, the words "court, district court, and the Boston municipal court" and inserting in place thereof the following words:- court and district court.

Community Corrections Transfer to the Department of Correction

SECTION 188. Subsection (b) of section 1 of chapter 211F of the General Laws, as so appearing, is hereby amended by striking the words "of probation" and inserting in place thereof the following words:- of correction.

Community Corrections Transfer to the Department of Correction

SECTION 189. Subsection (a) of section 2 of said chapter 211F, as so appearing, is hereby amended by striking the words "of probation" and inserting in place thereof the following:- of correction.

Community Corrections Transfer to the Department of Correction

SECTION 190. Subsection (b) of said section 2 of said chapter 211F, as so appearing, is hereby amended by striking the words "of probation" and inserting in place thereof the following:- of correction.

Community Corrections Transfer to the Department of Correction

SECTION 191. Subsection (c) of said section 2 of said section 211F, as so appearing, is hereby amended by striking the words "department of corrections" and inserting in place thereof the following:- commissioner of probation.

Community Corrections Transfer to the Department of Correction

SECTION 192. Said subsection (c) of said section 2 of said section 211F, as so appearing, is hereby further amended by striking the words "administrative office of the Massachusetts courts" and inserting in place thereof the following words:- department of correction

Community Corrections Transfer to the Department of Correction

SECTION 193. Subsection 3 of section 6 of said section 211F, as so appearing, is hereby amended by inserting after the word "commissioner" the following words:- of probation.

Boston Municipal Court and District Court Department Consolidation

SECTION 194. Section 1 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking the second paragraph and by inserting in place thereof the following paragraphs:-
The Boston municipal court shall be a division of the district court department of the trial court. Except where separate or contrary provisions with respect to the same subject matter are made applicable to Boston municipal court in sections 50 to 56, the provisions of this chapter relative to the divisions of the district court department shall apply to the Boston municipal court. Whenever used in this chapter or other general or special law, the words "Boston municipal court department", shall mean the Boston municipal court division of the district court department of the trial court established under chapter 211B. Whenever used in this chapter, the words "chief justice", "chief justice of the Boston municipal court department", or "chief justice of the department", shall mean the chief justice of the district court department, unless the context clearly refers to a chief justice of another department established under chapter 211B, the chief justice for administration and management, or the chief justice of the supreme judicial court.
The judicial districts of the Boston municipal court and of the several other divisions of the district court department shall continue to comprise the following cities, towns, wards and territory in the following counties respectively.

District Court Consolidation

SECTION 195. Said section 1 of said chapter 218, as so appearing, is hereby further amended by striking out, in lines 81 and 82, the words "The second district of Essex, held at Ipswich; Ipswich, Hamilton, Topsfield, and Wenham."

District Court Consolidation

SECTION 196. Said section 1 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 88, the words "and Essex" and inserting in place thereof the following:- Essex, Ipswich, Hamilton, Topsfield, and Wenham.

District Court Consolidation

SECTION 197. Said section 1 of said chapter 218, as so appearing, is hereby further amended by striking, in lines 104 through 115, the two paragraphs under the caption Franklin and inserting in place thereof the following two paragraphs:-
The district court of Franklin, held at Greenfield, and at Turners Falls in Montague; Franklin county and Athol. Cases of delinquent children under sections 52 to 84, inclusive, of chapter 119, and petitions brought under sections 24 and 39E of said chapter 119 are excepted from the jurisdiction of all of the above courts of this county and Athol.

District Court Consolidation

SECTION 198. Said section 1 of said chapter 218, as most recently amended, is hereby further amended by striking out all text appearing under the caption Hampshire and above the caption Middlesex, and inserting in place thereof the following text: -

The district court of Hampshire, held at Northampton: all of Hampshire county, and any violation of law committed on the land the Quabbin reservation or used for the supply and protection of the Quabbin reservoir.

District Court Consolidation

SECTION 199. Said section 1 of said chapter 218, as appearing in the 2000 Official Edition, is hereby further amended by striking out, in line 171, the words "Wayland and Hopkinton" and inserting in place thereof the following:- Wayland, Hopkinton, Natick and Sherborn.

District Court Consolidation

SECTION 200. Said section 1 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 176, the words "The district court of Natick, held at Natick; Natick and Sherborn."

District Court Consolidation

SECTION 201. Said section 1 of said chapter 218, as so appearing, is hereby further amended by striking, in line 233, the words "Boston, held at Boston; wards six" and inserting in place thereof the following words:- Boston, held at Boston, wards three, four, five, six.

District Court Consolidation

SECTION 202. Said section 1 of said chapter 218, as so appearing, is hereby further amended by striking the paragraph in lines 246 through 255.

District Court Consolidation

SECTION 203. Said section 1 of said chapter 218, as so appearing, is hereby further amended by striking out, in lines 309 and 310, the words "The second district court of eastern Worcester, held at Clinton; Clinton, Berlin, Bolton, Boylston, Harvard, Lancaster and Sterling."

District Court Consolidation

SECTION 204. Said section 1 of said chapter 218, as so appearing, is hereby further amended by striking out, in lines 328 and 329, the words "Leominster and Princeton" and inserting in place thereof the following:- Leominster, Princeton, Clinton, Berlin, Bolton, Boylston, Harvard, Lancaster and Sterling.

District Court Consolidation

SECTION 205. Said section 1 of said chapter 218, as so appearing, is hereby further amended by striking out, in lines 304 and 305, the words, "Hubbardston and Westminster" and inserting in place thereof the following:- Hubbardston, Westminster, Winchendon and Ashburnham.

District Court Consolidation

SECTION 206. Said section 1 of said chapter 218, as amended by section 2 of chapter 388 of the acts of 2001, is hereby further amended by striking out the eleventh paragraph under the caption Worcester.

District Court Consolidation

SECTION 207. Said section 1 of said chapter 218, as appearing in the 2002 Official Edition, is hereby further amended by striking out, in lines 314 and 315, the words "The second district court of southern Worcester, held at Uxbridge; Uxbridge, Blackstone, Douglas, Northbridge, Millville and Sutton."

District Court Consolidation

SECTION 208. Said section 1 of said chapter 218, as so appearing, is hereby further amended by striking out in line 317, the words "Bellingham and Hopedale" and inserting in place thereof the following words:- Bellingham, Hopedale, Uxbridge, Blackstone, Douglas, Northbridge, Millville and Sutton.

Boston Municipal Court and District Court Department Consolidation

SECTION 209. Section 43 of said chapter 218, as so appearing, is hereby amended by striking the last sentence.

Boston Municipal Court and District Court Department Consolidation

SECTION 210. Said chapter 218, as so appearing, is hereby further amended by striking sections 50 and inserting in place thereof the following section:

Section 50. The Boston municipal court division of the district court department shall consist of 11 associate justices of the trial court appointed to said division.
The chief justice of the district court department, subject to the approval of the supreme judicial court and the chief justice for administration and management, may make, from time to time, rules for regulating the practice and conducting the business therein in all cases not expressly provided for by law.
The chief justice of the district court department shall have the power to appoint the first justice of the Boston municipal court in accordance with section 6.

Boston Municipal Court and District Court Department Consolidation

SECTION 211. Section 51A of chapter 218 of the General Laws is hereby repealed.

Boston Municipal Court and District Court Department Consolidation

SECTION 212. Said chapter 218, as so appearing, is hereby amended by striking section 52 and inserting in place thereof the following section:-

Section 52. In addition to the powers conferred in section 10 of chapter 211B, the chief justice of the district court department may from time to time make assignments for the attendance of a justice at the several times and places appointed for holding court. Said chief justice, or, in case of his death, illness or incapacity, the first justice of the Boston municipal court, if in his opinion the public business so requires, may provide for additional sessions in the division, and for the appointment of special justices to hold such additional sessions.

Bar Exam Fees

SECTION 213. Section 37 of chapter 221 of the General Laws is hereby amended by striking out the fourth sentence, as most recently amended by section 121 of chapter 184 of the acts of 2002, and inserting in place thereof the following sentences:- A petitioner to be examined for admission shall pay to the clerk of the court in which his petition is filed a fee of \$800 upon the entry of his petition and a further fee of \$800 upon the entry of any subsequent petition. A member of the bar of any other state who applies to be admitted without examination shall pay to the clerk of the court in which his petition is filed a fee of \$1,000. Any person who requests to have their bar examination scores transferred to another jurisdiction shall pay a fee of \$25 for each transfer. If the board determines to allow petitioners for examination to use approved computers in connection with any portion of the examination, petitioners who use such computers shall pay a fee of \$75 for such use.

Regional Transit Authority Tort Liability

SECTION 214. Section 1 of chapter 258 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting in the definition of "Public Employer" after the words "chapter one hundred and eleven," in line 43, the following:- or any regional transit authority established pursuant to chapter 161 or 161B and the motor vehicle operators contracted with by said regional transit authorities in accordance with section 25 of chapter 161B.

Court Officer Indemnification

SECTION 215. Said chapter 258, as so appearing, is hereby amended by inserting, after section 9A, the following new section:-

Section 9B. If, in the event a suit is commenced against a court officer employed by the trial court, by reason of a claim for damages resulting from an alleged intentional tort or by reason of an alleged act or failure to act which constitutes a violation of the civil rights of any person under federal or state law, the commonwealth, at the request of the affected court officer, shall provide for the legal representation of said court officer.

The commonwealth shall indemnify court officers employed by the trial court from all personal financial loss and expenses, including but not limited to legal fees and costs, if any, in an amount not to exceed \$1,000,000 arising out of any claim, action, award, compromise, settlement or judgment resulting from any alleged intentional tort or by reason of an alleged act or failure to act which constitutes a violation of the civil rights of any person under federal or state law; provided, however, that this section shall apply only where such alleged intentional tort or alleged act or failure to act occurred within the scope of the official duties of such court officer.

No court officer shall be indemnified for any violation of federal or state law if such court officer acted in a willful, wanton or malicious manner.

Crime Victim Compensation

SECTION 216. Paragraph (f) of section 2 of chapter 258C of the general laws, as so appearing, is hereby amended by adding at the end thereof the following:- ;provided, however, that compensation to such claimant shall be limited to a maximum of \$50; and provided further, that notwithstanding the provisions of any general or special law to the contrary, victims of the crime of rape shall be notified of all available services designed to assist rape victims, including, but not limited to, the provisions outlined in section 5 of chapter 258B.

Confidentiality of State Employee Addresses

SECTION 217. Section 3 of chapter 268B of the General Laws, as so appearing, is hereby amended by striking subsection (d) and inserting in place thereof the following subsection:-

(d) make statements and reports filed with the commission available for public inspection and copying during regular office hours upon the written request of any individual who provides identification acceptable to the commission, including his affiliation, if any, at a charge not to exceed the actual administrative and material costs required in reproducing said statements and reports; provided, however, that the commission shall exempt from public disclosure those portions of a statement of financial interest filed pursuant to section 5 which contain the home address and telephone number of the filer; provided, however, that the commission shall not exempt from public disclosure the home address and telephone numbers of elected officials; and provided, further, that the commission shall forward a copy of said request to the person whose statement has been examined;

Probation Officers Reduction in Force

SECTION 218. Section 83 of chapter 276 of the General Laws, as amended by section 52 of chapter 177 of the acts of 2001, is hereby further amended at the end thereof by inserting the following new paragraph:-
Notwithstanding the first paragraph of this section or any other general or special law to the contrary, in connection with any reduction in force in the trial court department, no probation officer shall be terminated from employment, except for cause, while any associate probation officer is employed by the trial court or while the number of persons employed in management positions by the commissioner of probation exceeds 5 per cent of the number of persons employed in probation officer positions in the trial court.

Probation Service Fees

SECTION 219. Section 87A of said chapter 276, as amended by section 13 of chapter 300 of the acts of 2002, is hereby further amended by striking all text after the first paragraph and inserting in place thereof the following paragraphs:-

The court shall assess upon every person placed on supervised probation, including all persons placed on probation for offenses under section 24 of chapter 90, a monthly probation supervision fee, hereinafter referred to as "probation fee", in the amount of \$60 per month. Said person shall pay said probation fee once each month during such time as said person remains on supervised probation. The court shall assess upon every person placed on administrative supervised probation a monthly administrative probation supervision fee, hereinafter referred to as "administrative probation fee", in the amount of \$20 per month. Said person shall pay said administrative probation fee once each month during such time as said person remains on administrative supervised probation. Notwithstanding the foregoing, said fees shall not be assessed upon any person accused or convicted of a violation of section 1 or 15 of chapter 273, where compliance with an order of support for a spouse or minor child is a condition of probation.

The court may not waive payment of either or both of said fees unless it determines after a hearing and upon written finding that such payment would constitute an undue hardship on said person or his family due to limited

income, employment status or any other factor. Following the hearing and upon such written finding that either or both of said fees would cause such undue hardship then: (1) in lieu of payment of said probation fee the court shall require said person to perform unpaid community work service at a public or nonprofit agency or facility, as approved and monitored by the probation department, for not less than one day per month and (2) in lieu of payment of said administrative probation fee the court shall require said person to perform unpaid community work service at a public or nonprofit agency or facility, as approved and monitored by the probation department, for not less than four hours per month. Such waiver shall be in effect only during the period of time that said person is unable to pay his monthly probation fee.

The court may waive payment of either or both of said fees in whole or in part if said person is assessed payment of restitution. In such cases, said fees may be waived only to the extent and during the period that restitution is paid in an amount equivalent to said fee.

Emergency Finance Board Repeal

SECTION 220. Section 1 of chapter 49 of the acts of 1933 is hereby repealed.

Insurance Producer Law

SECTION 221. Section 58 of chapter 153 of the acts of 1992, as amended by section 49 of chapter 204 of the acts of 1996, is hereby repealed.

TAFDC Work Requirement

SECTION 222. Subsection (h) of section 110 of chapter 5 of the acts of 1995 is hereby amended by striking the second paragraph and inserting in place thereof the following paragraph:-

Recipients not qualifying as exempt under the provisions of subsection (e) shall participate in the work program established by subsection (j).

Fishermen's Partnership

SECTION 223. Chapter 47 of the acts of 1997, as amended by sections 157 and 158 of chapter 300 of the acts of 2002, is hereby amended by striking section 22 and inserting in place thereof the following words:-

Section 22. Notwithstanding the provisions of any general or special law to the contrary, in fiscal years 2003 to 2007, inclusive, the division of health care finance and policy shall allocate \$1,500,000 annually for a Massachusetts Fishermen's Partnership, Inc. demonstration project under subsection (d) of section 18 of the General Laws; provided, however, that such demonstration project otherwise meets the requirements of said subsection (d).

Convention Center Fund

SECTION 224. Subsection (c) of section 10 of chapter 152 of the acts of 1997 is hereby amended in the first sentence by striking the words "subject to appropriation" and inserting in place thereof the following:- without further appropriation.

Tax Exemption Escrow and Transitional Escrow Funds Repeal

SECTION 225. Section 316 of chapter 194 of the acts of 1998; and section 36 of chapter 88 of the Acts of 2001 are hereby repealed. Upon the effective date of this act, the comptroller is authorized and directed to transfer the net balance in these funds to the Stabilization Fund:- .

Authorization for Nursing Home and Pharmacy Assessment Spending

SECTION 226. Chapter 184 of the acts of 2002, as amended by section 43 of chapter 300 of the acts of 2002, is hereby further amended by striking section 180 and inserting in place thereof the following:-

Section 180. Notwithstanding the provisions of any general or special law to the contrary, in fiscal year 2004, monies collected from the pharmacy and nursing home assessments, as established by chapter 118G sections 25 and 26, shall be expended from items [4000-0430](#), [4000-0500](#), [4000-0600](#), [4000-0700](#), [4000-0860](#), [4000-0870](#),

[4000-0880](#) and [4000-1400](#), as appropriated in section 2 of this act, in the following manner:

- (1) an amount that will annualize to no more than \$70,000,000 to fund the use of 2000 base year cost information for nursing home rate determination purposes, effective July 1, 2003;
- (2) an amount that will annualize to no more than \$128,350,000 for enhanced payment rates to nursing homes;
- (3) an amount that will annualize to no more than \$50,000,000 to fund a rate add-on for wages, hours and benefits and related employee costs of direct care staff of nursing homes. As a condition for such rate add-on, the division of health care finance and policy shall require that each nursing home document to said division that such funds are spent only on direct care staff by increasing the wages, hours and benefits of direct care staff, increasing the facility's staff-to-patient ratio, or by demonstrably improving the facility's recruitment and retention of nursing staff to provide quality care, which shall include expenditure of funds for nursing homes which document actual nursing spending that is higher than the median nursing cost per management minute in the base year used to calculate Medicaid nursing home rates. The division shall credit wage increases that are over and above any previously collectively bargained for wage increases. The expenditure of these funds shall be subject to audit by said division in consultation with the department of public health and the division of medical assistance. In implementing this section, the division shall consult with the Nursing Home Advisory Council;
- (4) an amount that will annualize to no more than \$12,000,000 to fund rate payments for reasonable capital expenditures by nursing homes that meet quality standards;
- (5) payment for services provided to MassHealth members by pharmacies participating in MassHealth;
- (6) not more than \$13,750,000 to generally fund payments for services provided to MassHealth members by providers participating in MassHealth and other MassHealth expenditures;
- (7) not more than \$550,000 to fund expenses at the division of health care finance and policy for the implementation and administration of sections 25 and 26 of chapter 118G of the General Laws and for an audit of funds distributed to nursing homes under this section.

Committee for Public Counsel Services Reforms

SECTION 227. Notwithstanding the provisions of this act or any other general or special law to the contrary, the amounts appropriated in section 2 of this act for the committee for public counsel services for the fiscal year 2004 shall be expended as determined by said committee, provided, however, that \$751,397 shall be reserved for the children and family law fund, with the exception that no counsel shall be paid for appointment in any case where the adult parent has not appeared in court; provided further, that \$42,300,000 shall be reserved for private criminal counsel except that all such counsel appearing in the district court department on cases within the final jurisdiction of the district court department shall be paid on a flat fee basis per case or groups of cases for all pretrial representation and an hourly fee of \$65 for trial before a judge or jury and that no such counsel shall receive more than \$30 unless he has certified under the penalty of perjury that he has discussed the complaint with each assigned client for at least 15 minutes prior to disposition; provided further, that \$19,882,356 shall be reserved for private non-criminal counsel except that no counsel shall be paid for appointment in any CHINS case and not more than one counsel shall be paid for representation of a party with non-criminal matters pending in more than one court division or department; provided further, that no amount may be expended for criminal indigent services unless the defendant is required to consent to confirmation of his income and assets by the department of revenue.

Trial Court Spending Restrictions

SECTION 228. Notwithstanding the provisions of this act or any other general or special law to the contrary, the amounts appropriated in items in section 2 of this act for the operation of the trial court shall be expended as determined by the chief justice for administration and management, provided, that not less than \$1,153,692 shall be expended for alternative dispute resolution and permanency mediation services; provided further, that not less than \$400,000 shall be expended for per diem court reporters and \$3,870,000 shall be expended for official court reporters, except that these monies may be expended for purchase of digital audio recording devices for superior court courtrooms and transcription services; provided further, that not less than \$2,178,063 shall be expended for the office of the jury commissioner and that jury venires shall be assembled five days weekly in all departments which conduct jury trials; provided further, that not less than \$4,600,000 shall be expended for interpreter services; provided further, that not less than \$737,778 shall be expended for personnel for the trial court automation project to service MassCourts and related technology; provided further, that not less than \$51,105,810 shall be expended for court security, including training and purchase of non-lethal weapons for all court officers and additional training and purchase of lethal weapons for court officers assigned to building entrances; provided further, that up to \$5,000,000 may be transferred to item [0321-2205](#), upon agreement by the secretary of the commonwealth, the social law library, and the trial court for the establishment and maintenance of at least five regional social law library branch libraries in lieu of appropriation for trial court law libraries; provided further, that not less than \$27,500,000 shall be expended for the court facilities bureau inclusive of energy costs; and provided further, that at least \$500,000 shall be expended for the judicial institute; provided further, that at least \$400,000 shall be expended for research and development of a weighted caseload methodology for each trial court department to equalize budget allocations to caseload among divisions within each department for use commencing in fiscal year

2005.

Notwithstanding the provisions of any general or special law to the contrary, in fiscal year 2004, all amounts of money remaining for the purposes set aside above related to the trial court as of May 1, 2004 that are not necessary to fully fund the purposes for which such money was set aside, and would therefore revert to the commonwealth, instead shall be made available as of said date, in a manner approved by the comptroller, for expenditure by the chief justice for administration and management, without further appropriation, for the operation of the trial court; provided, however, that no money set aside for one purpose may be used for another purpose under this section unless the chief justice for administration and management makes a determination, in writing to the senate and house committees on ways and means, the chief justice of the supreme judicial court, and the secretary for administration and finance, that such amount of money is unnecessary for the purpose for which it was set aside. Any such funds not expended by the trial court by the close of the fiscal year shall revert to the commonwealth.

Massachusetts Legal Assistance Corporation: Co-Pay and Attorney's Fee Recovery

SECTION 229. Notwithstanding the provisions of this act or any other general or special law to the contrary, the amount appropriated in section 2 of this act for expenditure by the Massachusetts Legal Assistance Corporation may not be distributed by that corporation as financial assistance for a qualified legal services program for civil legal services unless said program: (1) assesses a reasonable co-payment upon recipients of said services as determined by said corporation, provided that the corporation may permit waivers or reductions of co-payment in the event the recipient is financially unable to pay and (2) demonstrates to the satisfaction of the corporation that it regularly seeks to recover attorney's fees whenever permitted by statute.

Judicial Spending Restrictions

SECTION 230. Notwithstanding the provisions of this act or any other general or special law to the contrary, no amount appropriated in section 2 of this act for the trial court of the commonwealth or any of the departments of the trial court for the fiscal year 2004 may be expended on any of the following: the Suffolk clerk image project; the Suffolk superior court community outreach program; or the Suffolk probate community access program.

Emergency Finance Board Repeal

SECTION 231. Notwithstanding the provisions of any general or special law to the contrary, all other functions, duties, authority and obligations heretofore exercised by the emergency finance board are hereby transferred to and vested in the secretary of administration and finance.

Asset Transfer to Pension Reserves Investment Trust Fund

SECTION 232. (a) Notwithstanding the provisions of sections 40E through 40J inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of the department of capital assets may transfer ownership and control of surplus real property of the commonwealth to the Pension Reserves Investment Management (PRIM) Board for deposit into the Pension Reserves Investment Trust (PRIT) Fund in satisfaction of up to \$180,000,000 annually of the appropriation required by section 22C of chapter 32 of the General Laws. Any real property to be so transferred shall be selected by the secretary of administration and finance who, not fewer than 10 days prior to the actual transfer of any such real property, shall file a report on such selection with the PRIM Board, the house and senate committees on ways and means and the joint committee on state administration.

(b) The said commissioner is hereby authorized to bind the commonwealth to quitclaim covenants in any deed of real property so transferred. Any such real property so transferred shall be available for retention or disposition pursuant to the relevant laws and regulations applicable to the ownership of real estate by the PRIT Fund.

(c) The value to be credited for any such real property so transferred to the PRIT Fund shall be its fair market value as determined by the PRIM Board in accordance with applicable laws.

Disposition of Surplus Property

SECTION 233. (a) Notwithstanding the provisions of sections 40E through 40F1/2 and 40H of chapter 7 of the General Laws, or the provisions of any other general or special law to the contrary, the commissioner of the department of capital assets is hereby authorized to sell, lease for a term not to exceed 99 years, transfer or otherwise dispose of surplus real property of the commonwealth, as specified herein.

(b) For purposes of this section, the following terms shall have the following meaning, unless the context clearly

requires otherwise:

(1) "Commissioner", the commissioner of the department of capital assets.

(2) "Real property", shall be as defined in section 39A(s) of chapter 7.

(3) "State agency", shall be as defined in section 39A(v) of chapter 7.

(4) "Surplus real property", real property of the commonwealth (a) previously determined to be surplus to current and foreseeable state needs pursuant to sections 40F or 40F 1/2 of chapter 7, (b) specifically exempted from the provisions of sections 40F and 40F 1/2 of chapter 7 by any special law, or (c) determined to be surplus to current and foreseeable state needs pursuant to this section; provided, that the term "surplus real property" shall not include property subject to Article 97 of the amendments to the constitution.

(c) In order to determine if specified real property is surplus to the current and foreseeable needs of the commonwealth, the commissioner shall provide a suitable written notice and inquiry to the several secretaries, with a date certain for any response. If no executive office responds in writing by the date so specified that an agency has a current or foreseeable need for the real property, then the commissioner may declare said property as surplus and dispose of same in accordance with this section. Alternatively, if a written response is timely received specifying a current or foreseeable need for the real property, the commissioner shall, in consultation with the secretary of administration and finance and with those responding affirmatively, determine whether the real property shall (a) be made available for current use by a state agency, (b) be retained on account of a foreseeable use by a state agency, or (c) be declared surplus real property which may be disposed of pursuant to this section.

(d) When real property is determined to be surplus to current state needs but not to foreseeable state needs, the commissioner shall take such necessary action to ensure that any disposition of the real property is temporary and maintains the commissioner's ability to make such real property available to a state agency as needed.

(e) If the commissioner determines that the real property is surplus, he shall declare it available for disposition and shall identify restrictions, if any, on its use and development necessary to comply with established state plans and policies. The commissioner may conduct a public hearing to consider potential reuses and appropriate restrictions. He shall ensure that any deed, lease or other disposition agreement shall set forth all such reuse restrictions and shall provide for effective remedies on behalf of the commonwealth; provided however, in the event of a failure to comply with the said reuse restrictions by the grantee, lessee or other recipient, title or such lesser interest as may have been conveyed, shall immediately revert to the commonwealth.

(f) The commissioner shall establish the value of surplus real property using customarily accepted appraisal methodologies. The value shall be calculated both for (1) the highest and best use of the property as may be encumbered, and (2) subject to uses, restrictions and encumbrances defined by the commissioner. In the event the commissioner receives three or more offers for such property in response to a competitive disposition process, the value may be determined based solely on such offers. In no instance in which the commonwealth retains responsibility for maintaining the said property shall the terms provide for payment of less than the annual maintenance costs.

(g) The commissioner shall dispose of surplus real property utilizing such competitive processes and procedures, as he deems appropriate. Such competitive processes may include, but are not limited to, absolute auction, sealed bids, and requests for price and development proposals.

At least 30 days before the date of an auction or the date on which bids or proposals or other offers to purchase or lease surplus real property are due, the commissioner shall place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 stating the availability of such property, the nature of the competitive process and other information deemed relevant, including the time and location of the auction, the submission of bids or proposals, and the opening thereof.

(h) The commissioner shall place a notice in the central register identifying the individual or firm selected as party to such real property transaction, along with the amount of such transaction. If the commissioner accepts an amount below the value calculated under subsection (f), he shall include the justification therefore specifying the difference between the calculated value and the price received.

(i) No agreement for the sale, lease, transfer, or other disposition of surplus real property, and no deed, executed by or on behalf of the commonwealth, shall be valid unless such agreement or deed contains the following certification, signed by the commissioner:

The undersigned certifies under penalties of perjury that I have fully complied with the provisions of section ___ of chapter ___ of the acts of 2003 in connection with the property described herein.

(j) No agreement for the sale, lease, transfer, or other disposition of surplus real property shall be valid unless the purchaser or lessee has executed and filed with the commissioner the statement required by section 40J of chapter 7.

(k) The grantee or lessee of any surplus real property shall be responsible for all costs including but not limited to appraisals, surveys, plans, recordings and any other expenses relating to the said transfer, as shall be deemed

necessary by the commissioner.

(l) This section shall not apply to the disposition of real property that is the subject of a special act having an effective date prior to that of this section.

(m) The authority granted the commissioner hereunder shall cease as of June 30, 2007; provided however, that the commissioner may complete any transaction for which agreements have been signed and delivered on or before that date.

Short-Term Leasing of Surplus Property

SECTION 234. (a) Notwithstanding the provisions of sections 40E through 40F1/2 and 40H of chapter 7 of the General Laws, or the provisions of any other general or special law to the contrary, the commissioner is hereby authorized to temporarily lease surplus real property for a term not exceeding 10 years.

(b) For purposes of this section, the following terms shall have the following meanings, unless the context clearly requires otherwise:

(1) "Commissioner", the commissioner of the department of capital assets.

(2) "Real property", shall be as defined in section 39A(s) of chapter 7.

(3) "State agencies", shall be as defined in section 39A(v) of chapter 7.

(4) "Temporary surplus real property", real property of the commonwealth (a) previously determined to be surplus to current but not foreseeable state needs pursuant to sections 40F or 40F1/2 of chapter 7, (b) specifically exempted from the provisions of sections 40F and 40F1/2 of chapter 7 by any special law, or (c) determined to be surplus to current but not foreseeable state needs pursuant to this section; provided, that the term "temporary surplus real property" shall not include property subject to Article 97 of the amendments to the constitution.

(c) In order to determine if specified real property is surplus to the current and foreseeable needs of the commonwealth, the commissioner shall provide a suitable written notice and inquiry to the several secretaries, with a date certain for any response. If no executive office responds in writing by the date so specified that an agency has a current need for the real property, but one or more executive offices notify the commissioner that a state agency has a foreseeable need for the real property, then the commissioner may declare the real property to be temporary surplus real property and lease the said property in accordance with this section.

(d) The commissioner shall take such action as is necessary to ensure that any leasing of temporary surplus real property preserves the commissioner's ability to make such real property available to a state agency at such time as it may be needed.

(e) The commissioner shall establish the appropriate lease or rental value of temporary surplus real property predicated upon customary commercial uses. In no instance in which the state retains responsibility for maintenance of the temporary surplus real property shall the terms provide for payment of less than the annual maintenance costs.

(f) The commissioner shall solicit proposals to lease temporary surplus real property through such competitive processes and procedures, as he deems appropriate. Such competitive processes may include, but are not limited to, sealed bids and requests for proposals.

At least 30 days before the date on which bids or proposals or other offers to lease temporary surplus real property are due, the commissioner shall place a notice in the central register published by the secretary of state pursuant to section 20A of chapter 9 stating the availability of such property, the competitive process, and inviting offers to lease such property in accordance with the said process.

(g) The commissioner shall place notification in the central register identifying the individual or firm selected as party to any such lease, along with the amount of such transaction. If the commissioner accepts an amount below the value calculated under subsection (e), he shall include the justification therefore, specifying the difference between the calculated value and the price received.

(h) No agreement for the lease of one or more acres of temporary surplus real property shall be valid unless such agreement contains the following declaration, signed by the commissioner:

The undersigned certifies under penalties of perjury that I have fully complied with the provisions of section ___ of chapter ___ of the acts of 2003 in connection with the property described herein.

(i) No agreement for the lease of temporary surplus real property shall be valid unless the lessee has executed and filed with the commissioner the statement required by section 40J of chapter 7.

(j) The lessee of any temporary surplus real property shall be responsible for all costs including but not limited to appraisals, surveys, plans, recordings and any other expenses relating to the said lease, as shall be deemed

necessary by the commissioner.

(k) The authority granted the commissioner hereunder shall cease as of June 30, 2007; provided however, that the commissioner may complete any transaction for which lease documents have been signed and delivered on or before that date.

Fuel Charge Judicial Proceedings Assessment

SECTION 235. The director of consumer and commercial services shall assess an amount equal to the amount appropriated in line item [0810-0017](#) in section 2 of this act, including fringe benefits and indirect costs, to the electric industry pursuant to section 3 of chapter 24A of the General Laws.

Medicaid Fraud Control Unit Assessment

SECTION 236. The amount appropriated in line item [0810-0021](#) in section 2 of this act may be spent only to the extent that the federal reimbursement for any expenditure from said item is not less than 75 per cent of such expenditure.

Automobile Insurance Fraud and Worker's Compensation Fraud Investigation Assessment

SECTION 237. In order to offset the appropriations in line items [0810-0338](#) and [0810-0399](#) in section 2 of this act, the costs of said items shall be assessed pursuant to section 3 of chapter 399 of the acts of 1991. Said assessments shall be credited to the General Fund. Notwithstanding the provisions of said section 3, the amount so assessed shall be the amount appropriated in line items [0810-0338](#) and [0810-0399](#), plus an amount sufficient to recover indirect and fringe benefit costs attributable to this item.

Inspector General Functions Transferred to the Comptroller

SECTION 238. The Office of Inspector General is hereby abolished. Unless a contrary intent clearly appears, all powers and duties exercised by said office immediately prior to the effective date of this act are hereby transferred to the comptroller.

Inspector General Functions Transferred to the Comptroller

SECTION 239. All books, papers, records, documents, equipment, lands, interests in land, buildings, facilities and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of the inspector general, and which relate to or are maintained for the purpose of the exercise of such powers or the performance of such duties, are hereby transferred to the comptroller; provided, that all such property held in trust shall continue to be held in trust, and be administered in accordance with the terms of such trust, by the trustees appointed by any court of competent jurisdiction upon application of any interested persons for such appointment or for instructions in connection therewith. All questions regarding the identification of such property shall be determined by the secretary of administration and finance.

Inspector General Functions Transferred to the Comptroller

SECTION 240. All monies heretofore appropriated for the inspector general for the purpose of the exercise of such powers or the performance of such duties, and remaining unexpended on the effective date of this act, are hereby transferred to, and shall be available for expenditure by, the comptroller. All questions regarding the identification of such monies shall be determined by the secretary of administration and finance.

Inspector General Functions Transferred to the Comptroller

SECTION 241. All duly existing contracts, leases and obligations of the inspector general that relate to the exercise of such powers for the performance of such duties, and which are in force immediately prior to the effective date of this act, shall thereafter be performed by the comptroller. This section shall not affect any renewal provisions or option to renew contained in any such leases in existence on said effective date, all of which may thereafter be exercised by the comptroller. All questions regarding the identification of such contracts, leases and obligations of the inspector general shall be determined by the secretary of administration and finance.

Inspector General Functions Transferred to the Comptroller

SECTION 242. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings begun by the inspector general that arise from or relate to the exercise of such powers or the performance of such duties, and which are pending immediately prior to the effective date of this act, shall thereafter be completed by the comptroller.

All orders, rules and regulations duly made, and all licenses, permits, certificates and approvals duly granted by the inspector general that arise from or relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to said effective date, shall continue in force, and the provisions thereof shall thereafter be enforced, until superceded, revised, rescinded or cancelled in accordance with law, by the comptroller. All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates and approvals, and of the agencies to which the completion or enforcement thereof is transferred shall be determined by the secretary of administration and finance.

Inspector General Functions Transferred to the Comptroller

SECTION 243. Wherever the name "Inspector General", or "the office of the Inspector General" or the "the Inspector General's Office", or the name of any department, agency, office, commission, committee, council, board, division, bureau, institution, other administrative unit or officer within the office of the Inspector General, from which powers and duties are transferred by the provisions of this act, appear in any statute, special act or resolve, order, rule, regulation or other document related to the exercise of such powers or the performance of such duties, such name shall be construed as referring to the comptroller, unless a contrary intent clearly appears.

Repealed Funds to be Construed as General Fund

SECTION 244. Upon the effective date of this act, all references in any general or special law to funds listed in sections [22](#), [35](#) and [225](#) of this act shall be construed to refer to the General Fund.

Cost Avoidance Program

SECTION 245. Notwithstanding the provisions of any general or special law to the contrary, the comptroller may enter into contracts with private vendors to identify and pursue cost avoidance opportunities for programs of the commonwealth and to enter into interdepartmental service agreements with state agencies, as applicable, for said purpose. Payments to private vendors on account of such cost avoidance projects shall be made only from such actual cost savings as have been certified in writing to the house and senate committees on ways and means by the comptroller and the secretary of administration and finance as attributable to such cost avoidance projects. The comptroller may establish such procedures, in consultation with the secretary of administration and finance and the affected departments, as he deems appropriate and necessary to accomplish the purpose of this section. The secretary of administration and finance shall report on a quarterly basis to the house and senate committees on ways and means the status of all cost avoidance projects that are undertaken pursuant to the provisions of this section. The comptroller shall report on said projects as a part of his annual report pursuant to section 12 of chapter 7A of the General Laws.

Prior-Year Expenditure Authorizations

SECTION 246. Notwithstanding the provisions of any general or special law to the contrary, the funds provided in items [1750-0105](#), [4000-0430](#), [4000-0500](#), [4000-0600](#), [4000-0700](#), [4000-0860](#), [4000-0870](#), [4000-0880](#), [4000-0890](#), [4000-1400](#), and [7061-0012](#) in section 2 of this act may be expended for services rendered in prior fiscal years; provided further, that not more than \$1,500,000 shall be expended from [0321-1500](#) for services rendered in prior fiscal years; provided further, that not more than \$45,000,000 shall be expended from [1108-5200](#) for prior-year costs incurred by the state indemnity health insurance plan and the preferred provider organization plan; provided further, that funds provided in [4405-2000](#) and [4408-1000](#) in section 2 of this act may be expended for burial expenses incurred in prior fiscal years; provided further, that not more than \$60,000 shall be expended from [4200-0300](#) for reimbursements to providers for services rendered in prior fiscal years; and provided further, that not more than \$300,000 shall be expended from [4405-2000](#) for reimbursements to providers for services rendered in prior fiscal years.

Highway Fund Split

SECTION 247. Notwithstanding the provisions of any general or special law to the contrary, appropriations for the following items in section 2 of this act shall be funded 100 per cent from the Highway Fund: [0699-0017](#), [0699-2004](#), [1599-0050](#), [1599-1970](#), [6000-0100](#), [6005-0015](#), [6010-1001](#), [6030-7201](#), [7006-0080](#), [8100-0000](#), [8100-0007](#), [8100-0011](#), [8400-0001](#), [8400-0100](#), [8850-0001](#); provided, that item [0612-1010](#) shall be funded 7 per cent from the Highway Fund and 93 per cent from the General Fund; and provided further, that item [0699-0015](#) shall be funded 44.90 per cent from the Highway Fund and 55.10 per cent from the General Fund.

Retained Revenue Advance Spending Authority

SECTION 248. Notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, departments may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of the appropriated amount or the most recent revenue estimate therefor as reported in the state accounting system for the following items appearing in section 2 of this act: [0910-0210](#), [1100-1104](#), [1102-3205](#), [1102-3214](#), [1102-3231](#), [1150-5104](#), [1310-1001](#), [1750-0102](#), [1775-0600](#), [1775-0900](#), [1775-1100](#), [1790-0300](#), [2900-1100](#), [2900-1103](#), [4120-5050](#), [4125-0101](#), [4125-0122](#), [4180-1100](#), [4190-0102](#), [4190-1100](#), [4510-0615](#), [4510-0616](#), [4510-0712](#), [4513-1012](#), [4516-0263](#), [4518-0200](#), [4590-0901](#), [4590-0903](#), [4590-0912](#), [4590-0913](#), [5047-0002](#), [5982-1000](#), [7004-9315](#), [8100-0006](#), [8100-0011](#), [8200-0222](#), [8315-1020](#), [8315-1025](#), [8400-0033](#), [8910-0188](#), [8910-2222](#), and [8910-6619](#).

Retained Revenue Surplus Spending Authority

SECTION 249. Notwithstanding the provisions of any general or special law to the contrary, departments with retained revenue authorizations in section 2 of this act are hereby authorized to retain and expend up to 110 per cent of said revenues collected, upon notification to the comptroller and prior approval from the secretary of administration and finance; provided, that said departments may retain and expend an additional 10 per cent of said revenues collected after a 10-day notification to the secretary of administration and finance, the comptroller, and the house and senate committees on ways and means.

Intragovernmental Service Fund Authorization

SECTION 250. Notwithstanding the provisions of any general or special law to the contrary, the departments listed in section 2 of this act with intragovernmental service spending may expend such amounts as are listed for the provisions of services to departments listed in section 2; provided, that said expenditures shall be accompanied by a corresponding transfer of funds from an account listed in section 2 to the Intragovernmental Service Fund, established by section 2Q of chapter 29 of the General Laws; provided further, that no expenditures shall be made from the Intragovernmental Service Fund which would cause said fund to be in deficit at the close of fiscal year 2004; provided further, that all intragovernmental service spending authorizations in section 2 shall be charged to the Intragovernmental Service Fund; provided further, that any balance remaining at the close of fiscal year 2004 shall be transferred to the General Fund; provided further, that Intragovernmental Service Fund accounts appearing in section 2 of this act shall be exempt from fringe and indirect cost charges pursuant to section 6B of chapter 29 of the General Laws; and provided further, that departments with intragovernmental service spending authorization may retain and expend an additional 10 per cent of said revenues collected after 10-day notification to the secretary of administration and finance, the comptroller, and the house and senate committees on ways and means.

Capital Needs Investment Trust

SECTION 251. Notwithstanding the provisions of section 357 of chapter 159 of the acts of 2000, the comptroller shall make no transfers from the income tax imposed by chapter 62 of the General Laws to the capital needs investment trust fund in fiscal year 2004.

Fringe and Indirect Exemptions

SECTION 252. Notwithstanding the provisions of any general or special law to the contrary, the federal grants expended from items 4110-3020 and 4120-0020, appearing in section 2 of this act shall be exempt from fringe and indirect cost charges pursuant to section 6B of chapter 29 of the General Laws; provided, that the federal grant expended from item 1100-1703, appearing in section 2 of this act, shall be exempt from the first \$215,000 of said fringe and indirect costs; and provided further, that the federal grant expended from item 1100-1710, appearing in section 2 of this act, shall be exempt from the first \$204,000 of said fringe and indirect costs.

Recovery of Operating Costs

SECTION 253. Notwithstanding the provisions of any general or special law to the contrary, the department of capital assets is hereby authorizing to expend from capital authorizations amounts necessary to cover the operational costs of the department for fiscal year 2004.

State Agency Lease Approval

SECTION 254. Notwithstanding the provisions of any general or special law to the contrary, for and during fiscal year 2004, the secretary of administration and finance shall identify each lease under which an executive office, a department, an agency, or a division of the executive branch is the using agency, as defined in section 39A of chapter 7 of the General Laws. The said secretary, in consultation with the secretary and commissioner of each using agency and the commissioner of capital assets, shall determine which of such leases shall be funded during fiscal year 2004. Upon determining that a lease is not to be funded, the secretary of administration and finance shall so notify the secretary and the commissioner of the using agency and the commissioner of capital assets. Upon receiving such notice, the commissioner of capital assets shall immediately notify the landlord under such lease that such lease shall be terminated.

Child Support Computer Costs

SECTION 255. The department of revenue may charge the expenses for computer services, including the cost of personnel and other support costs provided to the child support enforcement division, from item [1201-0100](#) to item [1201-0160](#) in section 2 of this act, consistent with the costs attributable to said division.

Child Support Enforcement Receipt of Federal Reimbursement

SECTION 256. Notwithstanding the provisions of any general or special law to the contrary, federal receipts associated with the child support computer network and personnel associated with said network shall be drawn down at the highest possible rate of reimbursement and deposited into a revolving account to be expended for said network. Federal receipts associated with child support enforcement grants shall be deposited into a revolving account to be drawn down at the highest possible rate of reimbursement and to be expended for the grant authority.

Division of Group Benefits COBRA Recoveries

SECTION 257. The division of group benefits shall recover the maximum amounts allowed under the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) as amended. Any costs associated with this recovery may be expended from item [1108-5100](#) in section 2 of this act.

Recoupment of Group Health Insurance Premium Contributions

SECTION 258. The secretary of administration and finance shall charge all state agencies and authorities, as defined in section 1 of chapter 29 of the General Laws, which have federal or other funds allocated to them for that portion of insurance premium and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred from said funds, and amounts transferred or otherwise received in payment of all such charges shall be credited to the General Fund. The division of group benefits shall obtain reimbursement for premium and administrative expenses from local and other non-state agencies and authorities participating in the division's group health insurance plans. Notwithstanding the provisions of section 26 of chapter 29 of the General Laws, the division of group benefits is hereby authorized to negotiate, purchase, and execute contracts prior to July 1 of each year for policies of group health insurance as authorized by chapter 32A of the General Laws and all such expenses shall be made from item [1108-5200](#) in section 2 of this act.

State Employees Contributions to Dental and Vision Benefits

SECTION 259. Notwithstanding the provisions of chapter 32A of the General Laws to the contrary, item [1108-5500](#) in section 2 of this act may be expended for the provision of dental and vision benefits for those active employees of the commonwealth, not including employees of authorities and any other political subdivisions, who are not otherwise provided such benefits pursuant to a separate appropriation or the provisions of a contract or collective bargaining agreement. The commonwealth, on behalf of active employees, shall contribute no more than 75 per cent of the total monthly premium applicable to said benefits.

Workers' Compensation Chargeback

SECTION 260. Notwithstanding the provisions of any general or special law to the contrary, for purposes the purposes of administering the workers' compensation chargeback authorized in item [1750-0105](#) of section 2 of this act, the secretary of administration and finance shall charge state agencies in fiscal year 2004 as provided in this section for workers' compensation costs, including related administrative expenses, incurred on behalf of the employees of said agencies. Administrative expenses shall be allocated based on each agency's per cent of total workers' compensation benefits paid in fiscal year 2003. The personnel administrator shall administer said charges on behalf of said secretary, and may establish such rules and procedures as he deems necessary to implement the provisions of this section. The personnel administrator shall notify agencies regarding the chargeback methodology to be used in fiscal year 2004, notify agencies of the amount of their estimated workers' compensation charges for said fiscal year, and require agencies to encumber funds in an amount sufficient to meet said estimated charges. Said estimated charges for each agency shall not be less than the amount of the actual workers' compensation costs, including related administrative expenses, incurred by each such agency in fiscal year 2003, and may include such additional amounts as are deemed necessary under said regulations. For any agency that fails within 60 days of the enactment of this act to encumber funds sufficient to meet said estimated charges, the comptroller shall so encumber funds on behalf of such agency. The personnel administrator shall determine the amount of the actual workers' compensation costs incurred by each agency in the preceding month, including related administrative expenses, notify each agency of said amounts, charge said amounts to each agency's accounts as estimates of the costs to be incurred in the current month, and transfer said amounts to said item [1750-0105](#). Any unspent balance in said item [1750-0105](#) as of June 30, 2003 in an amount not to exceed 5 per cent of the amount authorized is hereby re-authorized for expenditure in fiscal year 2004. The personnel administrator is hereby authorized to expend from said item [1750-0105](#) in fiscal year 2004, hospital, physician, benefit, and other costs related to workers' compensation for employees of state agencies, including administrative expenses. Such expenditures may include payments for medical services provided to claimants in prior fiscal years, as well as compensation benefits and associated costs attributable to prior fiscal years.

Information Technology Chargeback Exemption

SECTION 261. Notwithstanding the provisions of any general or special law to the contrary for item [1790-0200](#) in section 2 of this act, the cost of computer resources and services for the design, development, and production of reports and information required for analysis related to appropriations bills and other legislation shall not be charged to the executive office for administration and finance, the house of representatives, the senate, or any joint legislative account in fiscal year 2004.

Special Education Rate Adjustment

SECTION 262. Notwithstanding the provisions of any general or special law to the contrary, the division of purchased services of the department of procurement which, pursuant to section 274 of chapter 110 of the acts of 1993, is responsible for determining prices for programs pursuant to chapter 71B of the General Laws, shall set all such prices in fiscal year 2004 at the same level established in fiscal year 2003 except the prices for those programs for Extraordinary Relief, as defined in 808 CMR 1.06(4).

Assessment of Integrated Pest Management Program

SECTION 263. Notwithstanding the provisions of any general law or special law to the contrary, \$100,000 of the amount appropriated in item [2200-0100](#) in section 2 of this act shall be assessed upon certified commercial applicators, certified private applicators, licensed applicators, or contractors that spray, release, deposit, or apply pesticides at a school, day care center, or school age child care program; provided, that said companies or individuals shall pay assessments within 30 days after receiving notice from the secretary of the environment of the amounts due, as established in chapter 132B of the General Laws.

Out-of-State Firefighting Services Trust Account

SECTION 264. Notwithstanding the provisions of any general or special law to the contrary, the division of conservation and recreation is hereby authorized to deposit into a trust account and expend federal reimbursement for out of state firefighting costs authorized under section 44 of chapter 138 of the acts of 1991.

Public Housing Rent Escrow Program

SECTION 265. Notwithstanding the provisions of any general or special law to the contrary, the department of housing and community development shall administer a rent escrow program, so called, pursuant to item [7004-9004](#) in section 2 of this act, to enable households in state-assisted public housing to transition to unsubsidized housing options in the private market; provided, that up to 5,000 qualified households residing in chapter 200 or chapter 705 state-assisted housing developments shall be allowed to participate in a voluntary program that allows a portion of a household's rental payments to a housing authority to be placed in escrow accounts for the purpose of making said transition affordable, including, down payment costs, closing costs, first and last month's rent, security deposit, moving costs, and appliances necessary for occupancy. Said department, subject to appropriation, shall contribute \$1 for every \$2 of a rental payment placed by a household in such an escrow account which shall inure to the benefit of the household. The amount of said rental payments eligible to be placed in said escrow accounts shall consist of the savings in rent payments derived by allowing an adjustment to a household's income for purposes of computing rent for the amounts withheld from a household's earned income for (1) state and federal income tax withholding payments and (2) payments for Social Security, FICA, or other retirement deductions and (3) other deductions as may be allowed by law or regulation consistent with the provisions of this item; provided further, that in promulgating regulations that allow a household's income to be so adjusted for the calculation of rental payments, said department shall establish a uniform method for calculating the amount of rent adjustments allowable under said program. Said regulations shall not include in said calculation the amounts withheld from a dependent's income nor shall the income of any such dependent be subject to escrow. A household participating in said program shall agree in writing to the minimum amount needed to be held in escrow in order to provide for said affordable transition and to a maximum amount to be held in said escrow account; provided further, that in no event, shall the amount of any escrow account exceed \$10,000. Rental payments held in escrow for a household that elects not to make said transition pursuant to the written agreement or which is evicted by a housing authority for any reason shall be repaid to the housing authority and the commonwealth for the value of any rent subsidy provided to said household and the matching contribution paid by the department. A household that loses eligibility for state-assisted public housing due to increased income earnings shall use the amount held in escrow for the purposes of transition housing costs. The use of escrowed rental payments by a household for said transition costs shall be verified by the household and any funds not used for transition costs shall be recovered by the housing authority. Said department shall select housing authorities that demonstrate a willingness and capability to participate in said program; provided further, that said authorities may, for the purposes of administrative efficiency, maintain a centralized escrow account in lieu of separate accounts for each participating household; provided further, that detailed accounting records shall be maintained for each participating household by a housing authority that establishes such a centralized escrow account. Said housing authorities shall take all steps to invest said escrow accounts in investment vehicles that maximize the interest earned on said escrow accounts; provided further, that said housing authorities may retain not more than 20 per cent of any such interest earned on rental payments held in escrow to offset the costs of administering said program; provided further, that the remaining interest earnings shall be credited to the escrow account of a household. Said department shall require said housing authorities to obtain the social security numbers of households participating in said program to verify household income and deductions with the department of revenue and other parties. Rental payments held in escrow shall be treated as deductible rent for purposes of calculating Massachusetts personal income taxes pursuant to subparagraph (9) of paragraph (a) of part B of section 3 of chapter 62 of the General Laws. The release of escrow payments to a household, including interest earned thereon and the value of the matching contribution, shall not create any tax liability for such a household; provided further, that a tax liability shall be created in the event that a household does not elect to make said transition pursuant to said written agreement. Said department may transfer funds provided in item [7004-9004](#) to item [7004-9005](#) in section 2 of this act for the purposes of supplementing rental funds directed toward said program.

Housing Subsidy Eligibility

SECTION 266. Notwithstanding the provisions of any general or special law to the contrary, the department of housing and community development is hereby authorized to conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items [7004-9004](#), [7004-9005](#), 7004-9009, [7004-9030](#), 7004-9014, 7004-9019, 7004-9020, and [7004-9024](#) in section 2 of this act. As a condition of eligibility or continued occupancy by an applicant or a tenant, said department may require disclosure of the social security number of an applicant or tenant and members of such applicant's or tenant's household for use in verification of income eligibility. Said department is hereby authorized to deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a security number for use in verification of income eligibility. Said department may also consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it deems necessary to conduct such income verification. Said state agencies shall consult and cooperate with said department and furnish any information in the possession of said agencies including, but not limited to, tax returns and applications for public assistance or financial aid. The director of said department may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in such

federally assisted housing programs and that of members of the participants' households for the purposes of conducting such income verification.

Housing Subsidies

SECTION 267. Notwithstanding the provisions of any general or special law to the contrary, the department of housing and community development pursuant to line item [7004-9005](#) in section 2 of this act shall provide subsidies to housing authorities and nonprofit organizations for deficiencies caused by certain reduced rentals in housing for the elderly, handicapped, veterans and relocated persons pursuant to sections 32 and 40 of chapter 121B of the General Laws. Said department may expend funds for deficiencies caused by certain reduced rentals which may be anticipated in the operation of housing authorities for the first quarter of the subsequent fiscal year. No monies shall be expended for the purpose of reimbursing the debt service reserve included in the budgets of housing authorities, provided further, that all funds in excess of normal utilities, operations, and maintenance costs may be expended for capital repairs.

Massachusetts Rental Voucher Program

SECTION 268. Notwithstanding the provisions of any general or special law to the contrary, the department of housing and community development shall administer a program of rental assistance for low-income families and elderly persons through mobile and project-based vouchers, so-called; provided, that such rental assistance shall only be paid pursuant to a Massachusetts rental voucher program, funded in item [7004-9024](#) in section 2 of this act; provided further, that the income of said households shall not exceed 200 per cent of the federal poverty level; provided further, that said department may award mobile vouchers to such eligible households currently occupying project based units, that shall expire due to the non-renewal of project-based rental assistance contracts. Said department, as a condition of continued eligibility for a voucher and voucher payments, may require disclosure of social security numbers by participants and members of participants' households in the Massachusetts rental voucher program for use in verification of income with other agencies, departments and executive offices in the commonwealth; provided further, that any household in which a participant or member of a participant's household shall fail to provide a social security number for use in verifying the household's income and eligibility shall no longer be eligible for a voucher or to receive benefits from said voucher program. Said vouchers shall be in varying dollar amounts and shall be set by said department based on considerations, including, but not limited to, family size, composition, income level and geographic location. The use of rent surveys shall not be required in determining the amounts of said mobile vouchers, or said project-based vouchers. Any household which is proven to have caused intentional damage to their rental unit in an amount exceeding two month's rent during any one year lease period shall be terminated from the program. A mobile voucher whose use is or has been discontinued shall be re-assigned within 90 days. Said department shall pay agencies \$25 per voucher per month for the costs of administering said program; provided further, that said costs of administration shall not exceed 6 per cent of the appropriation provided herein; provided further, that said 6 per cent shall include, but not be limited to, all expenditures which may be made by said department to conduct or otherwise contract for rental voucher program inspections; provided further, that subsidies shall not be reduced for the cost of accommodating the cost of said inspections. There shall be no maximum percentage applicable to the amount of income paid for rent by each household holding a mobile voucher, or project-based voucher, but each household shall pay at least 30 per cent of its income as rent; provided further, that said department shall establish the amounts of the mobile vouchers, and the project based vouchers, so that the appropriation herein is not exceeded by payments for rental assistance and administration; provided further, that said department shall not enter into commitments which will cause it to exceed the appropriation set forth herein; provided further, that ceiling rents, so-called, shall not be enforced by said department. Households holding mobile vouchers shall have priority for occupancy of said project-based dwelling units in the event of a vacancy. Said department may impose certain obligations for each participant in the Massachusetts rental voucher program through a 12 month contract which shall be executed by the participant and said department; provided further, that such obligations may include, but need not be limited to, job training, counseling, household budgeting, and education, as defined in regulations promulgated by said department and to the extent such programs are available. Each participant shall be required to undertake and meet any such contractually established obligation as a condition for continued eligibility in the program; provided further, that for continued eligibility each participant shall execute any such 12 month contract on or before September 1, 2003 if his or her annual eligibility recertification date occurs between June 30, 2003 and September 1, 2003 and otherwise on or before his or her annual eligibility recertification date. Any participant who is over the age of 60 years or who is handicapped may be exempted from any obligations unsuitable under particular circumstances. The department is authorized to issue regulations for such program.

Alternative Housing Voucher Program

SECTION 269. Notwithstanding the provisions of any general or special law to the contrary, the department of housing and community development shall administer an alternative housing voucher program, so-called, a rental

assistance program for non-elderly disabled persons who have also been determined eligible for Chapter 667 housing, so-called, pursuant to line item [7004-9030](#) in section 2 of this act. Said rental assistance program shall be in the form of mobile vouchers, so-called, which shall be in varying dollar amounts and set by the department on considerations including, but not limited to, household size and composition, household income and geographic location. Any household which is proven to have caused intentional damages to their rental unit in an amount exceeding two month's rent during any one year shall be terminated from the program. Said department shall pay agencies that administer said program an allowance not to exceed \$25 per voucher per month for the costs of administration. There shall be no maximum percentage applicable to the amount of income paid for rent by each household holding a mobile voucher, so-called, but each household shall be required to pay not less than 25 per cent of their net income, as defined in regulations promulgated by said department, for units if utilities are not provided by the unit owner, or not less than 30 per cent of their income for units if utilities are provided by the unit owner; provided further, that payments for said transitional rental assistance may be provided in advance. The amount of a rental assistance voucher payment for an eligible household shall not exceed the rent less the household's minimum rent obligation; provided further, that the word "rent" as used in this item shall mean payments to the landlord or owner of a dwelling unit pursuant to a lease or other agreement for a tenant's occupancy of the dwelling unit, but shall not include payments made by the tenant separately for the cost of heat, cooking fuel, and electricity; and provided further, that the department is authorized to issue regulations for such program.

Hospital Assessments for DHCFP Administrative Funding

SECTION 270. Notwithstanding any provisions of section 5 of chapter 118G of the General Laws to the contrary, the amount assessed to acute hospitals in fiscal year 2004 for the estimated expenses, including indirect costs, of the division of health care finance and policy shall be equal to the amount appropriated in item [4100-0060](#) in section 2 of this act less amounts projected to be collected in fiscal year 2004 from (1) filing fees, (2) fees and charges generated by the division's publication or dissemination of reports and information, and (3) federal financial participation received as reimbursement for the division's administrative costs. Said assessed amount shall not be less than 65 per cent of the division's expenses as specified herein.

MassHealth Recoveries of Prior-Year Overpayments

SECTION 271. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may recover provider overpayments made in the current and prior fiscal years through the Medicaid management information system, and that such recoveries shall be deemed current fiscal year expenditure refunds.

Expenditures in Anticipation of Drug Rebate Payments

SECTION 272. Notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of recoveries and related expenditures under item [4000-0300](#) in section 2 of this act, the division may incur expenses and the comptroller may certify for payment amounts up to the projected total recoveries to be received by June 30, 2004.

Covering Kids In-Kind Services - Retained Revenue

SECTION 273. Notwithstanding the provisions of any general or special law to the contrary, federal financial participation received from claims filed by the division of medical assistance based on in-kind administrative services related to outreach and eligibility activities performed by certain community organizations, under the so-called "covering kids initiative" and in accordance with the federal revenue criteria in 45 CFR 74.23 or any other federal regulation which provides a basis for federal financial participation, shall be credited to item [4000-0300](#) in section 2 of this act and may be expended, without further appropriation, on administrative services including those covered under an agreement between the division and the organizations participating in the initiative.

Balance of Personal Needs Accounts - Retained Revenue

SECTION 274. Notwithstanding the provisions of any general or special law to the contrary, the balance of any personal needs accounts collected from nursing homes and other medical institutions after a recipient's death and held by the division of medical assistance for more than three years, may be credited to line item [4000-0320](#) in section 2 of this act.

Private Sector Liability and State Contribution to the Uncompensated Care Pool

SECTION 275. For hospital fiscal year 2004, the private sector liability of purchasers and third party payers to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws, shall be \$315,000,000. For state fiscal year 2004, notwithstanding the provisions of any general or special law to the contrary, \$30,000,000 generated by federal financial participation made available under Title XIX of the federal Social Security Act to reimburse the costs of said trust fund for disproportionate share hospitals shall be deposited into said trust fund.

Fishermen's Partnership Surplus Transfer to the General Fund

SECTION 276. Notwithstanding the provisions of any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer \$1,500,000 from the Uncompensated Care Trust Fund to the General Fund.

Maximizing Third Party and Federal Revenue for Health-Related State Services

SECTION 277. Notwithstanding the provisions of any general or special law to the contrary, state agencies and direct and subcontracted providers of health-related services, including purchase-of-service providers, financed from appropriation items in section 2 of this act for any state agency shall maximize Title XIX and all other federal, state and private health insurance coverage available to offset costs to the Commonwealth. The agencies or providers shall collect information from clients, or from the parent or guardian of a minor receiving services, necessary to determine the extent to which clients may be eligible for medical assistance benefits under chapter 118E of the General Laws or are beneficiaries of any health insurance policy. The agency or provider shall forward client information collected under this section to the division of medical assistance and such data shall only be used to match against available databases for the purpose of identifying all sources of potential payment for health services or health insurance coverage. As required or permitted by federal law, the division shall return the results of any such data matches to the originating agency, which shall take the appropriate action to ensure that costs to the commonwealth are minimized. Such actions shall include, but not be limited to, the agency or provider billing or re-billing all verified third-party sources. The executive office of administration and finance may grant an agency or provider an exemption from this section for good cause. The executive office of health and human services and the department of procurement within the executive office of administration and finance shall review regulations, contracting forms, service delivery reports and uniform financial reporting requirements to determine what changes are necessary for the successful implementation of this section.

Intergovernmental Transfer-Supported Nursing Facility Payments

SECTION 278. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may expend an amount not to exceed \$16,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for Title XIX payments to certain publicly owned or publicly operated providers. The payments shall be established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Commonwealth's Title XIX state plan and the terms and conditions of agreements reached with the division for such payments. No funds shall be expended unless a public entity is legally obligated to make an intergovernmental funds transfer in an amount specified in an agreement with such entity, which amount shall not be less than 50 per cent of the Title XIX payment. All revenues generated pursuant to the provisions of this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of subsection (o) of section 18 of chapter 118G of the General Laws.

Initial Gross Payment to Qualifying Acute Care Hospitals

SECTION 279. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer on or before June 30, 2004, without further appropriation, \$30,000,000 from the General Fund to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws, for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2003. Said payments shall be made to hospitals prior to, and in anticipation of, the payment by hospitals of their gross liability to said fund. The comptroller shall transfer from said fund to the General Fund not later than June 30, 2004, the amount of the transfer authorized herein and any allocation thereof as certified by the commissioner of the division of health care finance and policy.

FFP for the Uncompensated Care Trust Fund

SECTION 280. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance, in this section called the division, and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid to hospitals, determined by the division to be disproportionate share hospitals in accordance with Title XIX requirements, for free care costs of such hospitals. Such appropriate action may include, but shall not be limited to, the assessment on hospitals for their liability to the uncompensated care pool pursuant to chapter 118G of the General Laws. Such appropriate action shall include the establishment or renewal of an interdepartmental services agreement between the division and the division of health care finance and policy which may authorize the division to make deposits into and payments from an account established for the purposes of this section within the Uncompensated Care Trust Fund, established by section 18 of said chapter 118G, or authorize the division of health care finance and policy to transfer uncompensated care fee revenue collected from hospitals pursuant to said chapter 118G or funds otherwise made available to said trust fund by the general court, to the division for the purposes of making disproportionate share adjustment payments to hospitals qualifying for such payments in accordance with the commonwealth's Title XIX state plan and relevant provisions of Title XIX. The division may expend amounts transferred to it from the Uncompensated Care Trust Fund by the division of health care finance and policy under such interdepartmental services agreement without further appropriation. In no event shall the amount of money assessed upon each hospital exceed the hospital's gross liability to the uncompensated care trust fund as determined by the division of health care finance and policy pursuant to said section 18 of said chapter 118G. Any federal funds obtained as a result of said actions shall be deposited in the General Fund. The offices of the state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures to facilitate the expeditious assessment, collection and expenditure of funds pursuant to this section.

FFP for Disproportionate Share Hospital payments to DMH/DPH Facilities

SECTION 281. Notwithstanding the provisions of any general or special law to the contrary, the department of mental health, the department of public health, the division of medical assistance and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid for low-income care costs at those mental health and public health facilities determined to be disproportionate share hospitals in accordance with requirements of Title XIX of the Social Security Act. Such appropriate action may include, but shall not be limited to, the establishment of a separate account within the Uncompensated Care Trust Fund, established by section 18 of chapter 118G of the General Laws, for the purpose of making disproportionate share payment adjustments to such qualifying mental health and public health facilities under relevant division of health care finance and policy regulations and the Title XIX state plan on file with the centers for Medicare and Medicaid services. The division of medical assistance, the department of public health and the department of mental health may expend amounts transferred to them from such separate account within the Uncompensated Care Trust Fund without further appropriation. Any federal funds obtained as a result of actions taken pursuant to this section shall be deposited in the General Fund. The state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures for the proper accounting and expenditure of funds under this section.

Intergovernmental Transfer-Supported Hospital Payments

SECTION 282. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may expend, subject to federal approval, an amount not to exceed \$32,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for Title XIX payments to certain acute care hospitals. The payments shall be established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the commonwealth's Title XIX state plan, and the terms and conditions of agreements reached with the division for such payments. No such funds shall be expended unless the acute care hospital has executed the division of medical assistance's current Acute Hospital Request for Applications and Contract, and a public entity is legally obligated to make an intergovernmental funds transfer in an amount specified in an agreement with such entity, which amount shall be not less than 50 per cent of the Title XIX payment. All revenues generated pursuant to the provisions of this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of subsection (o) of section 18 of chapter 118G of the General Laws. An accounting of such payments shall be reported quarterly to the house and senate committees on ways and means.

Intergovernmental Transfer to University of Massachusetts-Affiliated Hospitals

SECTION 283. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may expend, subject to federal approval, an amount not to exceed \$125,000,000 from the medical

assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for Title XIX payments to the University of Massachusetts memorial hospital. The payments shall be established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Commonwealth's Title XIX state plan, and the terms and conditions of agreements reached with the division for such payments. No such funds shall be expended unless University of Massachusetts memorial hospital has executed the division of medical assistance's current Acute Hospital Request for Applications and Contract, and University of Massachusetts medical school makes an intergovernmental funds transfer in an amount specified in an agreement, which amount shall be not less than 50 per cent of the Title XIX payment. All revenues generated pursuant to the provisions of this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of subsection (o) of section 18 of chapter 118G of the General Laws. Not later than 60 days after such expenditure, the University of Massachusetts medical school shall submit to the secretary of administration and finance and the house and senate committees on ways and means a report detailing the programs funded from revenue associated with this section.

Intergovernmental Transfer for MassHealth Managed Care Contracts

SECTION 284. Notwithstanding the provisions of any general or special law to the contrary, during fiscal year 2004 and including the accounts payable period for that fiscal year, the division of medical assistance may expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund an amount not to exceed \$590,000,000 for a program of MassHealth supplemental payments to certain publicly operated entities providing Title XIX reimbursable services, directly or through contracts with hospitals under an agreement with the division relating to such payments and transfers as established in accordance with Title XIX of the Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law, and the Medicaid state plan. The funds may be expended only for payment obligations arising during fiscal year 2004. Such expenditures shall reduce payments from the Uncompensated Care Trust Fund to such entities by an amount comparable to the net revenues received by such entities under this section. The division of medical assistance shall notify the house and senate committees on ways and means if such expenditures are rendered ineligible for federal reimbursement. All expenditures made pursuant to this section shall be reported quarterly to the house and senate committees on ways and means. Amounts so authorized for said expenditure shall be funded in part through intergovernmental transfers to the commonwealth of municipal or other non-federal public funds. The Boston public health commission and the Cambridge public health commission shall transfer to said medical assistance intergovernmental transfer account not less than 50 per cent of the gross amounts of supplemental payments made by the division of medical assistance under managed care contracts with the commissions.

Nursing Facility User Fee and Pharmacy Assessment

SECTION 285. Notwithstanding any general or special law to the contrary, the amount of the fiscal year 2004 assessment imposed by sections 25 and 26 of chapter 118G of the General Laws, shall be sufficient in the aggregate to fund the fiscal year 2004 expenditures detailed in section [226](#) of this act, taking into account federal financial participation made available by such expenditures. The division of health care finance and policy shall specify by regulation appropriate policies and procedures to provide for the determination and periodic re-determination of assessment rates, including any requirements for data reporting that the division determines necessary to monitor revenues and compliance.

Health Care Security Trust Fund

SECTION 286. Notwithstanding the provisions of any general or special law to the contrary, the restrictions of subsection 3(b) of chapter 29D shall not be in effect for purposes of fiscal year 2004.

Charges for Services

SECTION 287. The department of mental retardation shall establish, by regulation, a system of charges for services funded by or under a contract with the department, including costs related to the appointment of guardians or conservators, and the determination of eligibility for services provided for or arranged by the department.

Boulet Settlement Agreement

SECTION 288. Sums appropriated in item [5920-2020](#) in section 2 of this act shall be used for services, including residential and interim services, to clients of the department of mental retardation including those on the waiting list on July 14, 2000.

Rolland Settlement Agreement

SECTION 289. Of the sums appropriated in item [5920-2000](#) in section 2 of this act, a portion not to exceed a total of \$5,000,000, shall be used for services, including residential and other supports, to up to 150 members of the Rolland class.

Trust Fund Transfer

SECTION 290. Notwithstanding the provisions of any general or special law to the contrary, on a one-time only basis, \$4,000,000 shall be transferred from the fund established pursuant to section 2ZZ of chapter 29 of the General Laws to the General Fund no later than December 31, 2003.

Authorizes Retention of Federal Reimbursement for IT Improvements and Training Institute

SECTION 291. For the purpose of item [4800-0091](#) in section 2 of this act, the department of child, youth and family services is hereby authorized to expend, for the purposes of purchasing hardware and information technology services for the improvement of Familynet, and for the purposes of developing a training institute, for professional development of said department's social workers, with the university of Massachusetts medical school and with Salem state college, an amount equal to 50 per cent of the receipts derived from said department's Title IV-E revenue maximization contract.

Ferguson Industries Retiree Grants

SECTION 292. Retired workshop employees from the Ferguson Industries for the blind shall receive grants equal to three-fourths of the salaries of current workshop employees from item [4110-4000](#) in section 2 of this act.

Public Schools Accepting Child Care Vouchers

SECTION 293. All child care providers that are part of a public school system shall accept child care vouchers funded by item [4130-3050](#) in section 2 of this act.

Subsidized Child Care Benefits Eligibility

SECTION 294. Notwithstanding the provisions of any general or special law to the contrary, the office of child care services, in implementing section 239 of chapter 43 of the acts of 1997, shall set eligibility policies concerning subsidized child care for individuals participating in an education or training program or engaging in job search.

Employment Services for Recipients Transitioning off of TAFDC

SECTION 295. Funds from item [4401-1000](#) in section 2 of this act may be expended on recipients and former recipients of transitional aid for families with dependent children and the absent parents for up to one year after termination of their benefits. Certain parents who have not yet reached the age of 18 years, including those who are ineligible for transitional aid to families with dependent children and who would qualify for benefits under the provisions of chapter 118 of the General Laws, but for the deeming of the grandparents' income, shall be eligible to receive said services.

TAFDC Eligibility Standards

SECTION 296. The need standard for transitional aid to families with dependent children funded from item [4403-2000](#) in section 2 of this act shall be equal to the standard in effect in fiscal year 2003. The payment standard shall be equal to the need standard. The payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section 110 of chapter 5 of the acts of 1995 shall be 2.75 per cent below the payment standard. A \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing. A non-recurring children's clothing

allowance in the amount of \$150 shall be provided to each child eligible under these programs in September 2003. The need standard shall not be increased to implement the clothing allowance.

Emergency Assistance Shelter Eligibility Requirements

SECTION 297. Families with income under 100 per cent of the federal poverty level, that would otherwise be eligible for family shelter emergency assistance but for their income, shall be eligible for family shelter benefits under item [4403-2120](#) in section 2 of this act.

State Supplemental SSI Definitions for Living Arrangements

SECTION 298. Funds from item [4405-2000](#) in section 2 of this act may be expended by the department of transitional assistance in collaboration with the division of medical assistance to fund an optional supplemental living arrangement category under the supplemental security income program that makes payments to persons living in assisted living residences certified pursuant to chapter 19D of the General Laws who meet the income and clinical eligibility criteria established by the department and said division. Said optional category of payments shall only be administered in conjunction with the Medicaid group adult foster care benefit.

EAEDC Eligibility Standards

SECTION 299. The payment standard for the emergency aid to the elderly, disabled and children program funded by item [4408-1000](#) in section 2 of this act shall equal the payment standard in effect under this program in fiscal year 2003. A \$35 rent allowance, to the extent possible within the amount of the appropriation, shall be paid to all households incurring a rent or mortgage expense not residing in public housing or subsidized housing.

Circuit Breaker Reimbursement Rate Changes

SECTION 300. Notwithstanding paragraph (i) of subsection (c) of section 5A of chapter 71B of the General Laws, in fiscal year 2004 the costs of in-district programs shall be reimbursed at 75 per cent of all such approved costs that exceed 3 times the state average per pupil foundation budget, as defined in chapter 70.

Circuit Breaker Reimbursement Rate Changes

SECTION 301. Notwithstanding paragraph (ii) of subsection (c) of section 5A of chapter 71B of the General Laws, in fiscal year 2004 the costs of out-of-district programs shall be reimbursed at 50 per cent of all such approved costs that exceed 4 times the state average per pupil foundation budget, as defined in chapter 70 of the General Laws.

Library of Last Recourse - Maintenance of Effort

SECTION 302. Notwithstanding the provisions of item [7000-9401](#) in section 2 of this act, the board of library commissioners may grant waivers, in a number not to exceed one-tenth the number permitted pursuant to the second paragraph of section 19A of chapter 78 of the General Laws, to any library not receiving funds as a library of last recourse for a period of not more than one year.

State Aid to Public Libraries - Maintenance of Effort

SECTION 303. Notwithstanding the provisions of any general or special law to the contrary, no city or town shall receive any funds from items [7000-9401](#) and [7000-9501](#), in section 2 of this act, in any fiscal year when the appropriation of said city or town for free public library services is below an amount equal to 102.5 per cent of the average of the appropriations for free public library service for the three fiscal years immediately preceding. The board of library commissioners may grant waivers permitted pursuant to the last paragraph of section 19A of chapter 78 of the General Laws.

Federal Language for School Lunch Program

SECTION 304. Amounts appropriated in item [7053-1909](#) in section 2 of this act for reimbursements to cities and towns for partial assistance in the furnishing of lunches to school children, including partial assistance in the

furnishing of lunches to school children pursuant to chapter 538 of the acts of 1951, and for supplementing funds allocated for the special milk program. Notwithstanding the provisions of any general or special law to the contrary, payments so authorized for partial assistance in the furnishing of lunches to school children shall not exceed, in the aggregate, the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act, and in the regulations implementing said act.

Distinct Local Funds for State Grants

SECTION 305. Notwithstanding the provisions of any general or special law to the contrary, any grants made to a city, town, regional school district, educational collaborative, or charter school from line items [7000-9501](#), [7030-1006](#), [7035-0002](#) and [7061-9404](#) of section 2 of this act shall be deposited with the treasurer of such city, town, regional school district, educational collaborative, or charter school and held as a separate account, and shall be expended by the school committee or public library, as applicable, without further appropriation.

MCAS Remediation Account Grant Restrictions

SECTION 306. Amounts appropriated in item [7061-9404](#) in section 2 of this act shall be used for assistance and grants to cities, towns, regional school districts, charter schools, and educational collaboratives to develop or enhance academic support services for students scoring in level 1 or 2 on the Massachusetts Comprehensive Assessment System, MCAS, so called. Funds from said item shall be expended for a competitive grant program to fund developmental programs to be implemented in the summer of 2004 operated by public institutions of higher education for students who have completed high school but have not yet met the MCAS graduation standard and are working to pass the MCAS, earn a high school diploma and prepare for college level studies. For the purposes of said grant program, appropriated funds may be expended through August 31, 2004 to allow for summer academic support services and professional development for educators. Funds from said item shall be expended for a competitive grant program, guidelines for which shall be developed by the department of education, for intensive remediation programs in communities with students in the graduating classes of 2003, 2004 and 2005 who have not achieved a score of 216 or higher on either the tenth grade English Language Arts or math MCAS exams, said programs to be in place by October 1, 2003.

Student Portfolio Assessment

SECTION 307. Amounts appropriated from item [7061-9400](#) in section 2 of this act may be made available for grants to school districts to develop portfolio assessments for use in individual classrooms as an enhancement to student assessment; provided, that as much as is practicable, especially in the case of students whose performance is difficult to assess using conventional methods, such instruments shall include consideration of work samples and projects, and shall facilitate authentic and direct gauges of student performance; provided further, that such portfolio assessments shall not replace the standardized assessment based on curriculum frameworks.

Nuclear Safety Preparedness Program Assessment

SECTION 308. Notwithstanding any general or special law to the contrary, the cost of the nuclear safety preparedness program provided for in item [8800-0100](#) in section 2 of this act, including associated indirect costs and fringe benefits of the program provided for therein, shall be assessed upon nuclear regulatory commission licensees operating nuclear power generating facilities in the commonwealth. The department of telecommunications and energy shall develop an equitable method of apportioning said assessments among said licensees. Said assessments shall be paid during the current fiscal year as provided by said department.

Seabrook Nuclear Safety Preparedness Program Assessment

SECTION 309. Notwithstanding the provisions of any general or special law to the contrary, the cost of the Seabrook nuclear safety preparedness program as provided for in item [8800-0200](#) in section 2 of this act, including fringe benefits and indirect costs, shall be assessed upon electric companies in the commonwealth which own, in whole or in part, or purchase power from, nuclear power plants located outside the commonwealth whose nuclear power plant areas, as defined in section 2B of chapter 639 of the acts of 1950, include communities located within the commonwealth. Said assessments shall be credited to the General Fund. For the purposes of this section, the term "electric companies" shall mean all persons, firms, associations, and private corporations which own or operate works or a distributing plant for the manufacture and sale or distribution and sale of electricity within the commonwealth, but shall not include municipalities or municipal light plants.

Division of Fire Services Programs Assessment

SECTION 310. Notwithstanding the provisions of any general or special law to the contrary, 100 per cent of the amount appropriated in item [8324-0000](#) in section 2 of this act, including the associated indirect costs and fringe benefits of the programs provided for therein, shall be assessed to insurance companies writing fire, homeowner's multiple peril, or commercial multiple peril policies on property situated in the commonwealth. Said companies shall pay said assessments within 30 days after receiving notice from the commissioner of insurance of the amounts due from them.

Hazardous Materials Program Assessment

SECTION 311. Notwithstanding the provisions of any general or special law to the contrary, for the purpose of funding a hazardous materials emergency response program as provided for in item [8324-0000](#) in section 2 of this act, the amount appropriated in said item, including the associated indirect costs and fringe benefits of the program provided for therein, shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion, policies on property situated in the commonwealth and commercial liability policies. Said companies shall pay said assessments within 30 days after receiving notice from the commissioner of insurance of the amounts due from them.

Underground Storage Tank Compliance Standards

SECTION 312. Notwithstanding the provisions of any general or special law to the contrary, funds appropriated in item [8324-1101](#) in section 2 of this act shall be expended for the enforcement of compliance standards as set forth in sections 38B to 38I, inclusive, of chapter 148 of the General Laws.

County Corrections Funding

SECTION 313. Funds appropriated in item [8910-0000](#) in section 2 of this act shall be distributed among the counties by the county government finance review board. Funds appropriated in said item shall be expended for operating and debt service costs associated with the Plymouth county facility, pursuant to the provisions of clauses 3 and 4 of the memorandum of agreement signed May 14, 1992, between the commonwealth and Plymouth county, as amended on February 16, 1999. The funds distributed from said item shall be paid to the treasurer of each county who shall place such funds in a separate account within the treasury of each such county. Said treasurers shall authorize temporary transfers into said accounts for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the commonwealth from that item. Upon receipt of the commonwealth distribution, said treasurers may transfer out of such accounts an amount equal to the funds so advanced. All funds deposited in such accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties including, but not limited to, maintenance and operation of jails and houses of correction, without further appropriation. The sheriff's department of each county receiving funds from said item shall reimburse the treasurer of each such county for personnel-related expenses, with the exception of salaries, attributable to the operations of the sheriff's department of each county heretofore paid by the county including, but not limited to, the cost of employee benefits. Notwithstanding the provisions of any general or special law to the contrary, no county treasurer shall retain revenues derived by the sheriffs from commissions on telephone service provided to inmates or detainees. Said revenues shall be retained by the sheriffs, not subject to further appropriation, for use in a canteen fund, so called. Each county shall expend during fiscal year 2004, for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed from this item, not less than 102.5 per cent of the amount expended in fiscal year 2003 for such purposes from own-source revenues. And notwithstanding the provisions of this section, the maintenance of effort obligations for Suffolk county shall be 5 per cent of the total fiscal year 2004 Suffolk county correction operating budget as approved by the county government finance review board. The department of public health shall notify the county government finance review board and the state comptroller of the costs of all services provided to inmates of county correctional facilities by Lemuel Shattuck hospital that are to be paid from item [8910-0000](#). Not more than 30 days after receiving such notification, said board shall certify to the comptroller the amount of such costs to be charged to this item. Upon receiving such certification, the comptroller shall effect the transfer of such amount from item [8910-0000](#) to item [4590-0915](#) of said section 2. Actual and projected payments for all such services provided by said hospital shall be considered expenditures within each county spending plan and shall be reflected as such.

Transfers from the Public Safety Costs Reserve

SECTION 314. Notwithstanding the provisions of any general or special law to the contrary, the secretary of public safety and homeland security may transfer funds from item [1599-8085](#) in section 2 of this act to other items of

appropriation within said section 2; provided, that said transfers shall fund costs associated with the Commonwealth's ongoing efforts to prevent acts of terrorism.

Safe Driver Insurance Plan Program Assessment

SECTION 315. Notwithstanding the provisions of any general or special law to the contrary, the amount appropriated in item [8400-0100](#) in section 2 of this act, including the associated indirect costs and fringe benefits of the program provided for therein, shall be assessed to insurance companies conducting motor vehicle insurance business within the commonwealth, pursuant to section 183 of chapter 6 of the General Laws.

Seabrook Nuclear Power Plant Monitoring

SECTION 316. Funds from line item [8800-0300](#) in section 2 of this act may be used for environmental monitoring of the nuclear power plant in Seabrook, New Hampshire, including a continuous real-time radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of said plant. The cost of said monitoring as provided for in line item [8800-0300](#), including fringe benefits and indirect costs, shall be assessed upon electric companies in Massachusetts which own, in whole or in part, or purchase power from said plant. For the purposes of this section, electric companies shall be defined as all persons, firms, associations, and private corporations which own or operate works or distribute electricity in the commonwealth, but shall not include municipalities or municipal light plants.

Small Business Development Center

SECTION 317. Notwithstanding the provisions of any general or special law to the contrary, funds appropriated in line item [7007-0800](#) shall be used as the state match for federal funds received from the United States Business Administration and the United States Department of Defense.

Local Tourist Councils

SECTION 318. Notwithstanding the provisions of any general or special law to the contrary, funds appropriated in line item [7007-1000](#) shall be distributed in accordance with section 14 of chapter 23A of the General Laws.

Retention of Sliding Fees by Home Care Corporations

SECTION 319. Consistent with guidelines issued by the executive office for elder affairs, \$6,000,000 accrued from sliding fees for elder home care shall be retained by individual home care corporations providing such services and may be expended for the purposes of the home care program.

Corpsmen Stipends and Group Insurance

SECTION 320. All funds appropriated in item [9110-1900](#) in section 2 of this act for an elder service corps shall be for corpsmembers' stipends, for the cost of mailing corpsmembers' stipends, and for corpsmembers' participation in group insurance programs, as set forth in chapter 1168 of the acts of 1973. The stipend for full-time corpsmembers shall not exceed the maximum allowed under earnings limitation sections of the social security act, and the stipend for part-time corpsmembers shall not exceed \$130 per month. The executive office for elder affairs shall maximize federal reimbursement for meals funded therein.

Insurance Producer Law

SECTION 321. Section 14 of chapter 175 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting, after line 66, the following clause:-
For each insurance agent appointment or renewal thereof under section 162S;.

General Fund Reimbursement for Fringe Costs at the Division of Industrial Accidents

SECTION 322. The General Fund shall be reimbursed the amount appropriated in item [7002-0500](#) in section 2 of this act and for associated indirect and direct fringe benefit costs from assessments levied pursuant to section 65 of chapter 152 of the General Laws

Reed Act Appropriation for Employment Services Program

SECTION 323. Not more than \$5,981,299 shall be expended from the Reed Act State Unemployment Trust distribution in item 7003-0806 in section 2 of this act for the provision of employment assistance services to persons determined to be eligible for such services by the department of transitional assistance under the program set forth in chapter 118 of the General Laws. All funds appropriated under said item must be expended within 2 years of the enactment of this act; provided, that funds expended from this item are subject to the limits set forth in chapter 53A of chapter 151A and section 903 of the Social Security Act, 42 USC section 1103.

Division of Industrial Accidents Special Funds for Enhanced Security and Internal Controls

SECTION 324. The treasurer may release to the division of industrial accidents, subject to adequate and appropriate documentation of the need provided to the workers' compensation advisory council and the affirmative vote of at least seven members of the workers' compensation advisory council, sufficient funds from the special reserve account established in clause (c) of subsection (4) of section 65 of chapter 152 to pay for expenses to enhance security and internal control measures for the division and to continue the conversion of the division's computer system.

Reed Act Appropriation for One-Stop Career Centers

SECTION 325. Not more than \$3,750,000 shall be expended from the Reed Act State Unemployment Trust distribution in item 7003-0808 in section 2 of this act for the Massachusetts One-Stop Career Centers. All funds appropriated under said item must be expended within 2 years of the enactment of this act.

Reed Act Appropriation for DET Projects

SECTION 326. In item 7002-6645 in section 2 of this act, relating to the Reed Act State Unemployment Trust Fund Distribution, not more than \$925,000 shall be expended for the operation of the new perspectives program an effort to provide intensive assessment and counseling services to Massachusetts workers who need assistance in adjusting to career change, not more than \$800,000 shall be expended for enhancements to the Massachusetts One-Stop Employment System (MOSES) including, but not limited to, the construction of a relational database, the creation of a capacity for job seekers to conduct intelligent searches of multiple commercial internet-based job banks, and improvements in the services offered to employers in the Massachusetts job bank, not less than \$300,000 shall be expended for a comprehensive job vacancy survey, and not less than \$400,000 shall be expended for the costs associated with integrating existing stand-alone workforce development performance management systems into the MOSES system. All funds appropriated under said item must be expended within 2 years of the enactment of this act.

Division of Occupational Safety Fee Retained Revenue

SECTION 327. Amounts raised by surcharges authorized in section 3A of chapter 23 of the General Laws shall be deposited into item [7002-0201](#) of section 2 of this act for the purpose of conducting occupational safety and health inspections, assessments and other operations as required by section 197B subsections b, c, d and f of chapter 111 of the General Laws, and sections 6A through 6F of chapter 149 of the General Laws, and for conducting employment agency inspections and other operations as required by sections 46A through and 46R of chapter 140 of the General Laws. The division of occupational safety shall use amounts in said retained revenue account for the aforesaid purposes and for no other purpose.

Effective Date

SECTION 328. Except as otherwise provided, the provisions of this act shall take effect on July 1, 2003.